

Susan Zonia  
7/15/2011

4 (Pages 10 to 13)

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1 A. I got divorced.  
2 Q. When were you divorced?  
3 A. Two years ago.  
4 Q. Do you have a date that the judgment was entered?  
5 A. July 7th.  
6 Q. About two years ago. And how long was the divorce case  
7 pending before the judgment was entered?  
8 A. I believe it was around eight months -- eight, nine  
9 months.  
10 Q. Did the Complaint, was that filed by you against your  
11 ex-husband or by your ex-husband against you?  
12 A. By me.  
13 Q. So did the divorce come about because your husband  
14 wanted a divorce or did the divorce come about because  
15 you wanted the divorce?  
16 MS. LAUGHBAUM: Objection on the basis  
17 relevance. You can answer.  
18 THE WITNESS: He requested the divorce.  
19 BY MR. GUNSBURG:  
20 Q. Did that come as a surprise to you?  
21 A. Yes.  
22 MS. LAUGHBAUM: Objection -- continuing  
23 objection on the basis of relevance.  
24 MR. GUNSBURG: Sure.  
25 THE WITNESS: Yes.

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1 BY MR. GUNSBURG:  
2 Q. You had no suspicion or indication that your husband  
3 wanted a divorce prior to this being sprung on you, so  
4 to speak?  
5 A. No, I did not.  
6 Q. And did this divorce request out of the blue, did that  
7 cause you emotional distress?  
8 A. Yes, it did, Mr. Gunsberg.  
9 Q. And did you seek any treatment or counseling for that  
10 emotional distress caused by the divorce?  
11 A. Yes. I availed myself of TEAM which is a benefit that  
12 the hospital offers. TEAM is -- I'm not going to be  
13 able to recall what the letters stand for, but it is an  
14 organization that the hospital provides access to  
15 that -- for counseling. Any personal problems or issues  
16 that you wish to discuss, you can do it confidentially  
17 with TEAM.  
18 Q. And when did you start counseling with TEAM or a TEAM  
19 representative?  
20 A. I believe it would have been in December, two years ago.  
21 So December 2007, 2008.  
22 Q. Well, your divorce was finalized in July, 2009.  
23 A. So 2007.  
24 Q. Let me see if we can get the chronology. So the lawsuit  
25 was pending about eight, nine months. So the lawsuit

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1 must have been filed the end of 2008; does that sound  
2 right?  
3 A. Yes.  
4 Q. And so you started counseling for the emotional distress  
5 in December of 2008; does that sound right?  
6 A. That sounds about right, yes.  
7 Q. And who did you counsel with?  
8 A. If I recall correctly her name is Theresa Magnum, M A G  
9 N U M, not entirely sure of the last name.  
10 Q. And is she a psychiatrist, psychologist, social worker?  
11 A. I believe she is a psychologist.  
12 Q. Did you see or counsel with anyone else other than  
13 Theresa Magnum?  
14 A. For -- professionally, no.  
15 Q. Did you counsel with someone else who was not a  
16 professional?  
17 A. My friends.  
18 Q. Did you counsel with Martha Murphy or did you talk about  
19 your divorce with Martha Murphy?  
20 A. I believe I did on several occasions.  
21 Q. Did you consider Martha Murphy one of your friends?  
22 A. Yes, I did.  
23 Q. Do you still?  
24 A. Yes.  
25 Q. Did you socialize together, you and Martha?

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1 A. On several occasions, yes.  
2 Q. Did you discuss your divorce with any other friends who  
3 were also employees of St. Joe?  
4 A. Yes, I'm sure I did.  
5 Q. Can you tell me who those folks are?  
6 A. Dr. Verardi, V E R A R D I.  
7 Q. Is that a man or woman?  
8 A. It's a woman. Cathy Coburn. I believe on one occasion  
9 or two -- a couple of occasions, I won't put a number on  
10 it, Barb Hertzler, the COO of the organization. And I  
11 believe Donna Hambleton, H A M B L E T O N, who at that  
12 time was my assistant.  
13 Q. Donna Hambleton was a Manager in the Graduate --  
14 Graduate Medical Education, yes.  
15 Q. You call her your assistant. Actually her title was  
16 manager not assistant.  
17 A. She assisted me in many things. She managed the office.  
18 Q. Were -- you were the number one person in charge of the  
19 Graduate Medical Education office?  
20 A. Correct.  
21 Q. And was Donna Hambleton, was she the number two person  
22 in charge of the office?  
23 A. She would fill in when I was not available, yes.  
24 Q. In terms of the management hierarchy of the Graduate  
25 Medical Education Department, you were at the top. If I

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1 Q. Do you two still socialize together?  
2 A. Yes, we do.  
3 Q. Is Cathy Coburn still employed at St. Joe?  
4 A. No, she is not.  
5 Q. Do you know when she left?  
6 A. I'm not sure. I believe it was March or April of 2011.  
7 Q. Do you know why she is no longer employed at St. Joe?  
8 Let me ask it this way, do you have any firsthand  
9 knowledge other than -- do you have any firsthand  
10 knowledge of why she is no longer there?  
11 A. No, I do not.  
12 Q. Did she quit or was she fired; if you know?  
13 A. I believe she was encouraged to resign.  
14 Q. Do you know who encouraged her to resign?  
15 A. I go not have firsthand knowledge.  
16 Q. Has Cathy Coburn told you she was encouraged to resign?  
17 A. She told me that she was asked to resign.  
18 Q. Who asked her to resign according to Cathy Coburn?  
19 MS. LAUGHBAUM: I'm going to object on the  
20 grounds of relevance and foundation. If you know.  
21 BY MR. GUNSBERG:  
22 Q. I'm only asking what Cathy Coburn told you, if she told  
23 you anything at all.  
24 A. I don't know if my recollection is 100 percent accurate  
25 on this. I believe Barb Hertzler had something to do

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1 with it. She reported to Barb so I'm thinking Barb  
2 Hertzler had something to do with it. And I believe  
3 that there was somebody from Trinity's home office as  
4 well, but I'm not certain.  
5 Q. Did Cathy Coburn tell you what it was that was the basis  
6 for or why it was that whoever encouraged her to resign  
7 from St. Joe was encouraging her to resign?  
8 MS. LAUGHBAUM: Objection, form and relevance.  
9 If you can answer, go ahead.  
10 BY MR. GUNSBERG:  
11 Q. In other words, they want me to resign because they say  
12 I did blah, blah, blah?  
13 A. She did not go into great detail. She did mention, as I  
14 recall, something about being told people don't like  
15 her.  
16 Q. Do you have any information about whether people liked  
17 Cathy Coburn? And I assume when you say people don't  
18 like her that meant people at St. Joe don't like her.  
19 So my question is do you have any information about  
20 whether people liked Cathy Coburn or not?  
21 MS. LAUGHBAUM: Can I have a continuing  
22 objection about Cathy Coburn?  
23 MR. GUNSBERG: Of course. You can have a  
24 continuing objection about everything.  
25 MS. LAUGHBAUM: It may come to that.

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1 MR. GUNSBERG: That's okay. It's fine.  
2 THE WITNESS: Can I answer that? I know many  
3 people that like Cathy Coburn that work at St. Joe's.  
4 By MR. GUNSBERG:  
5 Q. Do you know any people that didn't like her?  
6 A. I never heard anyone complain to me about Cathy Coburn.  
7 Q. Cathy Coburn and you did not have any kind of reporting  
8 relationship? In other words, you didn't report to her  
9 and she didn't report to you?  
10 A. No.  
11 Q. And you didn't supervise the same area or same people as  
12 Cathy Coburn?  
13 A. That is correct.  
14 Q. And who did Cathy Coburn report to?  
15 A. I believe she reported to Barb Hertzler, H E R T Z L E  
16 R.  
17 Q. Is Dr. Verardi still at St. Joe?  
18 A. Yes, she is.  
19 Q. What does she do?  
20 A. She is a physician. She is an internist. And she  
21 teaches in the Internal Medicine Residency Program.  
22 Q. Are you and Dr. Verardi still social friends?  
23 A. Yes, we are.  
24 Q. Did you go out together?  
25 A. Occasionally.

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1 Q. Did you go to her home?  
2 A. I've never been to her home.  
3 Q. Does she come to yours?  
4 A. She has been.  
5 Q. Does Cathy Coburn come to your home?  
6 A. Yes.  
7 Q. And you go to hers?  
8 A. Yes, I do.  
9 Q. Do you still socialize with Barb Hertzler?  
10 A. No.  
11 Q. Is Barb Hertzler still with St. Joe?  
12 A. To the best of my knowledge.  
13 Q. And Donna Hambleton, did you socialize with her out of  
14 work?  
15 A. We had lunch several times while she was employed.  
16 Q. Did she come to your house or you go to hers?  
17 A. No.  
18 Q. Do you know why Donna Hambleton left St. Joe?  
19 A. Her husband had had his work hours reduced working for  
20 the City of Pontiac and she wanted a salary increase. I  
21 had gotten her one, but I couldn't get her another one.  
22 Q. Do you have a recollection of Donna Hambleton  
23 complaining about the way you treated her as part of her  
24 exit interview or as part of her process of leaving the  
25 hospital?

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1 A. That was news to me.  
2 Q. Who gave you that news that Donna Hambleton complained  
3 about the way you treated her? Was it Don Bignotti?  
4 A. It came to my attention when I saw a series of  
5 inappropriate E-mails between Pat Davis and Donna  
6 Hambleton.  
7 Q. Let me interrupt you. The question was who told you  
8 that Donna Hambleton complained about the way you  
9 treated her as part of her exiting process from the  
10 hospital? Can you give me a name?  
11 A. I saw it in writing. And then I went and addressed Don  
12 about what I saw in writing.  
13 Q. So was it Don Bignotti who told you that Donna Hambleton  
14 complained about the way you treated her?  
15 A. After I saw it in writing, yes.  
16 Q. When did Donna Hambleton leave St. Joe?  
17 A. December of 2009.  
18 Q. When was it that Don Bignotti told you about the  
19 complaints that Donna Hambleton had about -- the  
20 complaints about the way she was treated by you? How  
21 long after she left?  
22 A. Several months.  
23 Q. And was that in a one-on-one meeting in Don Bignotti's  
24 office?  
25 A. Correct.

1 A. Perfect recollection of the conversation? I don't have.  
2 I believe I indicated to him that given the salary  
3 increase and the position increase that we were able to  
4 get Donna, I felt that she never performed up to that  
5 level but continued to perform in more of a supportive  
6 office manager role rather than an Administrative  
7 Director of Medical Education.  
8 Q. So did you treat Donna like a secretary?  
9 A. I treated her like the office manager.  
10 Q. Did you deny that you -- to Don Bignotti did you deny  
11 that you treated Donna in any demeaning or deprecating  
12 way?  
13 A. I don't believe I treated Donna in a demeaning or  
14 deprecating way.  
15 Q. My question is, is that what you told Don Bignotti?  
16 A. I told Don I don't believe I treated her in a demeaning  
17 or deprecating way.  
18 Q. So you denied Donna's accusation?  
19 A. It's matter of perspective.  
20 Q. You denied or disagreed with her perspective?  
21 A. I disagreed with her perspective.  
22 Q. So essentially if Donna said Susan Zonia treated me  
23 badly. She treated me like a secretary or demeaning,  
24 whatever the import of that accusation was, your answer  
25 was that's not so?

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1 Q. Did you make any notes or record of that meeting?  
2 A. No, I did not.  
3 Q. Did Don Bignotti identify any treatment of Donna  
4 Hambleton that he discussed with you as behavior that  
5 shouldn't be recurring? In other words, should stop or  
6 don't act this way or anything like that?  
7 A. No, he did not.  
8 Q. Do you recall what it was that Donna Hambleton  
9 complained about as far as your mistreatment of her?  
10 A. That I treated her like a secretary.  
11 Q. Anything else that you recall Don Bignotti talking to  
12 you about at this meeting regarding Donna Hambleton's  
13 complaints about you?  
14 A. I specifically asked him was there a problem. And his  
15 response was have I been treating you any differently.  
16 So that indicated to me that there was not an issue.  
17 Q. Did you respond to this accusation that you had been  
18 treating Donna like a secretary? Did you say, yeah,  
19 maybe I was a little bit demeaning or no, it never  
20 happened or it's all in her mind or any kind of  
21 response?  
22 A. My thought at the time --  
23 Q. Listen to my question. I didn't ask what your thought  
24 was. My question was what was your response. Did you  
25 say anything to Don Bignotti about it?

1 A. I don't believe I did.  
2 Q. And that's what you told Don Bignotti?  
3 A. Correct.  
4 Q. Did you get along with Don Bignotti?  
5 A. Yes, I did.  
6 Q. Did you consider him a friend?  
7 A. No.  
8 Q. Did you socialize with him outside of work?  
9 A. No.  
10 Q. Did you socialize with him at work events?  
11 A. Graduation, yes.  
12 Q. Do you have any complaints about the way he treated you?  
13 A. Um, yes.  
14 Q. Okay. Well, he was involved in your termination and you  
15 complained about that. Other than that, do you have any  
16 complaint about the way he treated you?  
17 A. There was information that often wasn't shared with me  
18 that was key to my job that put me in difficult  
19 situations.  
20 Q. Any other complaints that you have about Don Bignotti?  
21 A. Other than the access to information, no.  
22 Q. How long did you work for Don Bignotti?  
23 A. Almost five years. Just shy of five years.  
24 Q. Did Don hire you?  
25 A. Yes, he did.

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1 Q. Your office located at St. Joe was located where?  
 2 A. It was on the fourth floor of -- gosh, I'm forgetting  
 3 which wing it's referred to. I don't know what wing  
 4 it's referred to now in the hospital. It's on the  
 5 fourth floor.  
 6 Q. And Don Vignotti's office was in the Executive area on  
 7 the first floor?  
 8 A. Correct.  
 9 Q. And Martha Murphy's office was also in the Executive  
 10 Office?  
 11 A. Correct.  
 12 Q. Are Don's office and Martha's office next to each other?  
 13 A. At one point they were not. Offices moved in that  
 14 corridor. Don's never did. Don's stayed in the same  
 15 place. But I believe Martha Murphy and Cathy Coburn  
 16 flipped offices at some point during my employment  
 17 there. So I believe when I left Martha's office was  
 18 adjacent to Don's, I believe.  
 19 Q. In 2010, how often did you see Don?  
 20 A. Oh, gosh. Initially we had one on one meetings at least  
 21 once a month. They were scheduled every two weeks but  
 22 often they got cancelled because he had things come up.  
 23 But at least once a month we had a one hour meeting.  
 24 Q. And did that frequency diminish? Did it become less and  
 25 less frequent?

1 investigate?  
 2 A. Correct.  
 3 Q. Is that true as far as your memory is concerned?  
 4 A. It was several residents, not one.  
 5 Q. And that there was, at his request, then an outside  
 6 investigator?  
 7 A. Correct.  
 8 Q. Was that a request that you took to Martha Murphy? In  
 9 other words, did Diaczok ask you to have an outside  
 10 investigator and then you went to Martha or how exactly  
 11 did that happen?  
 12 A. That would have been something -- the complaints that I  
 13 was getting about Dr. Diaczok I shared immediately with  
 14 Don, my Director. Don, I believe, spoke with Martha.  
 15 And then the three of us discussed what was the best way  
 16 to go forward with this, how to handle the complaints.  
 17 Something like that is not I need a direction, they need  
 18 to set the tone for that. First I shared it with Don.  
 19 Don consulted with Martha, a plan was developed for  
 20 addressing the concerns.  
 21 Q. And apparently in response to that plan then Dr. Diaczok  
 22 then requested an outside investigator, correct? That's  
 23 what he said?  
 24 A. I don't recall that he specifically requested an outside  
 25 investigator. I know he felt that the allegations

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1 A. Yes, it did.  
 2 Q. Do you know why?  
 3 A. I was much more comfortable in my job and I believe Don  
 4 had his support person, Becky, cancel those meetings and  
 5 the frequency of them because he did not feel compelled  
 6 to have frequent meetings with me. I E-mailed him a lot  
 7 to apprise him of what was going on and he could read  
 8 those E-mails at a time that was more convenient for him  
 9 than setting aside time for a meeting.  
 10 Q. Did you ever have any meetings with Martha Murphy?  
 11 A. I believe we had several.  
 12 Q. What would those have been about?  
 13 A. First of all, she did an orientation for me when I first  
 14 came on board. I believe we had a meeting regarding  
 15 bringing in someone from Trinity's home office to take a  
 16 look at some of the allegations that were being made  
 17 against Ben Diaczok, D I A C Z O K.  
 18 Q. Was that something that Dr. Diaczok had requested?  
 19 A. Dr. Diaczok had requested it.  
 20 Q. You sat through Dr. Diaczok's deposition the other day,  
 21 correct?  
 22 A. Correct.  
 23 Q. And Dr. Diaczok said that he had been accused by some  
 24 anonymous resident of various things and had hired a  
 25 lawyer and requested that an outside investigator

1 needed to be looked at. Now whether it was Don, Martha  
 2 or Ben that suggested someone from corp -- the  
 3 corporation come in, I don't recall of that who  
 4 suggested that.  
 5 Q. Okay. Have you ever been involved in the investigation  
 6 of any other St. Joe employee other than Dr. Diaczok?  
 7 A. Yes.  
 8 Q. Who else have you been involved in an investigation of?  
 9 A. A number of residents.  
 10 Q. Okay. Anybody else?  
 11 A. Several physicians for inappropriate behavior.  
 12 Q. Who?  
 13 A. Dr. Patel.  
 14 Q. Patel?  
 15 A. P A T E L.  
 16 Q. Okay.  
 17 A. First name K I R I T.  
 18 Q. Anyone else?  
 19 A. Dr. Denier and Pat Davis who was employed in medical  
 20 education and Gail Molitor who was also in medical  
 21 education.  
 22 Q. Anyone else that covered those investigations you've  
 23 been involved in?  
 24 A. I believe it does at this time.  
 25 Q. Can you identify the residents you were involved with

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1 involving investigation?

2 A. Gosh, the name was right here. Hold on. A surgery

3 resident, Larry Gaines. I knew it was a surgery

4 resident for inappropriately touching a nurse.

5 Q. Okay. Anyone else?

6 A. Dr. Beemouth for prescribing large dosages of oxycodone

7 to non-patients of St. Joe's.

8 Q. Okay. Anyone else?

9 A. Dr. Zamlut, Z A M L U T, a resident -- Chief Resident

10 for hitting on, dating students under his supervision.

11 Others regarded more internal medical education

12 performance, academic issues.

13 Q. Steven Woodward?

14 A. Steven Woodward. Thank you. There were many of those.

15 Christine Stoica, S T O I C A. There was one right

16 before I left, Dr. Mansour, M A N S O U R.

17 Q. These are all residents?

18 A. These are all residents for being inappropriate in his

19 interactions with nurses on the floor and refusing to

20 take direction.

21 Q. Were these investigations that you've -- that you were

22 involved in, were these all based on matters that were

23 raised by you?

24 A. No. They were matters that were brought to me.

25 Q. But once the matters were brought to you, did you then

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1 raise them with someone else like Dr. Bignotti or Martha

2 Murphy or --

3 A. Oh, yes. So for example, the one with Dr. Gaines, the

4 inappropriate touching of a resident nurse, I

5 immediately brought in HR and alerted his program

6 director to the allegation.

7 Q. In any of these investigations did any of the

8 individuals other than Diaczok, and I'm not saying

9 Diaczok actually did this, did any of the individuals

10 involved request an outside investigator be appointed or

11 be involved?

12 A. Not to the best of my knowledge.

13 Q. When was the complaint about Dr. Patel brought by you to

14 Dr. Bignotti, do you recall what year that was?

15 A. 2007.

16 Q. And how about the complaint involving Dr. Denier?

17 A. I'm going to say 2008, to the best of my recollection.

18 Q. And how about complaints that you brought about Pat

19 Davis?

20 A. That would have been in 2010.

21 Q. How about Gail Molitor?

22 A. 2009. It was before Pat.

23 Q. And the complaint about Diaczok that was brought, when

24 was that?

25 A. That would have been either very late in 2006 or early

1 2007.

2 Q. The complaint about Patel, what was that?

3 A. For many people he was loud and abrasive and verbally

4 abusive.

5 Q. Diaczok, that involves some complaints from two

6 residents about sex harassment?

7 A. There were several. I wouldn't say two but there were

8 several female residents that came to me to complain

9 about statements that he made and the way that they were

10 treated by him.

11 Q. And the complaints that were raised about the residents,

12 when did those come up? How about, let's see,

13 Dr. Mansour?

14 A. Oh, the Dr. Mansour issue came up in spring of 2010. He

15 was a resident and that had to do with unpleasant

16 interactions between the nursing staff and Dr. Mansour's

17 responsiveness.

18 Q. How about Dr. Gaines, when did that?

19 A. Dr. Gaines would have been -- also been in the spring of

20 2011 -- 2010, sorry.

21 Q. How about Dr. Bee -- I can't read my writing. I

22 apologize.

23 A. Beemouth?

24 Q. Yes.

25 A. Beemouth would have been 2008 maybe.

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1 Q. And that involved prescription --

2 A. Drugs.

3 Q. Improperly prescribing prescription drugs?

4 A. Correct.

5 Q. And did Dr. Beemouth, was he dismissed from the program?

6 A. Yes, he was.

7 Q. And was that a decision that was made by Dr. Bignotti?

8 Would he have the final decision on that?

9 A. After it moved through several levels, yes.

10 Q. Dr. Zamlut, hitting on students, when did that happen?

11 A. It happened in '08.

12 Q. Doctor -- was Dr. Zamlut dismissed from the residency?

13 A. No, he was not.

14 Q. Hitting on students, that's a form of sex harassment?

15 A. Yes, it is.

16 Q. Were any of these residents other than Dr. Beemouth

17 dismissed from the residency program?

18 A. No, they were not.

19 Q. Did you recommend that any of these doctors be dismissed

20 from the residency program that you've named Mansour,

21 Gaines, Beemouth, Zamlut?

22 A. Yes.

23 Q. Which ones did you recommend be dismissed?

24 A. I thought Dr. Zamlut should be disciplined, if not

25 dismissed.



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12 (Pages 42 to 45)

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1 Q. Was he dismissed?  
 2 A. No, he was not.  
 3 Q. That was in 2008?  
 4 A. Correct.  
 5 Q. Did you recommend that Steven Woodward be dismissed  
 6 from -- he wasn't a resident. He was a fifth year  
 7 medical student.  
 8 A. No, I did not.  
 9 Q. Did you recommend that Pat Davis be dismissed?  
 10 A. No, I did not.  
 11 Q. How about Gail Molitor?  
 12 A. No, I did not.  
 13 Q. Were you involved in a matter involving a resident  
 14 called Atif?  
 15 A. Marginally, yes.  
 16 Q. Was there an investigation of Dr. Atif?  
 17 A. Yes, there was.  
 18 Q. Did you recommend that Atif be dismissed or not  
 19 graduated?  
 20 A. I believe I did.  
 21 Q. When was that? What time frame are we talking about?  
 22 A. That would have been 2007, I believe he graduated.  
 23 There was a very large investigation regarding him and I  
 24 was relatively new and sat on the committee. It was the  
 25 first time I had encountered something like that.

1 A. August 1st.  
 2 Q. Is that a new job?  
 3 A. Yes, it is.  
 4 Q. What is the job?  
 5 A. I will be the -- I will be in University Research  
 6 Administration. They have four institutional review  
 7 boards. And I will be the Director of Research  
 8 Integrity for the university.  
 9 Q. Do you have a contract with the University of Chicago?  
 10 A. Yes, I do.  
 11 Q. And when did you sign that?  
 12 A. Well, it's a Letter of Intent to show up on August 1st.  
 13 I signed that end of June.  
 14 Q. Is the University of Chicago, are you with a hospital or  
 15 with a medical school or --  
 16 A. I'm with the university. It's a university appointment.  
 17 Q. Does the University of Chicago have a medical school?  
 18 A. Yes, it does.  
 19 Q. And it has a hospital?  
 20 A. Yes, it does.  
 21 Q. So will you be handling research for all of the  
 22 University of Chicago entities?  
 23 A. Yes, I will.  
 24 Q. Okay. So it's a big job?  
 25 A. Huge. It scares me.

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1 Q. Did Dr. Atif ask that an outside investigator or someone  
 2 other than Dr. Bignotti investigate his claims of --  
 3 A. My goodness, I think it was short of the supreme court  
 4 wanted to look at it. I don't recall. But I do recall  
 5 a lot of noise and accusations of counter suits and  
 6 things.  
 7 Q. And did St. Joe bring in somebody from the outside to  
 8 handle the investigation?  
 9 A. I can't recall that.  
 10 Q. Any other investigations?  
 11 A. I believe, Mr. Guasberg, you might have been involved in  
 12 the Atif case but I'm not certain.  
 13 Q. So any other investigations that you recall or at least  
 14 that you were involved in?  
 15 A. There were many that I was involved in. There were many  
 16 disagreements of residents saying things were unfair or  
 17 inappropriate. And I would do an initial look to see if  
 18 there was a systemic problem or was this a he said she  
 19 said. But those are the big ticket items that I have  
 20 immediate recall of.  
 21 Q. Do you have any plans to move out of town?  
 22 A. Yes.  
 23 Q. Where are you going?  
 24 A. University of Chicago.  
 25 Q. When?

1 Q. University of Chicago is a very prestigious place, is it  
 2 not?  
 3 A. Yes, it is.  
 4 Q. I wanted to go there for law school and I got in and my  
 5 father wouldn't pay the bill. He told me to go get a  
 6 job for a few years and maybe he'd kick in a few bucks.  
 7 But at the time it was a hot bed of socialism and  
 8 communist activity according to Congress.  
 9 Anyway, so it's a very highly respected place,  
 10 correct?  
 11 A. Yes, it is.  
 12 Q. I assume that being the Director of Research Integrity  
 13 for the University of Chicago is a very highly respected  
 14 position?  
 15 A. I respect it. I'm excited.  
 16 Q. Are you? Good. But I'm asking from a different  
 17 standpoint. I assume my knowledge is that the  
 18 University of Chicago is a very highly respected place  
 19 as far as its research component is concerned?  
 20 A. I believe so. They have evidently over 7,000 active  
 21 research projects.  
 22 Q. How big a research budget do they have; do you know?  
 23 A. A bazillion. I don't know I don't know.  
 24 Q. It's huge?  
 25 A. I'm thinking.

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13 (Pages 46 to 49)

Page 46

1 Q. And you're going to be overseeing the proper -- that  
2 they follow the rules?  
3 A. Correct.  
4 Q. That's what you do?  
5 A. Correct.  
6 Q. And how much are you getting paid on this job?  
7 A. \$130,000.  
8 Q. Do you have a bonus opportunity?  
9 A. No, I do not.  
10 Q. Do you have fringe benefits?  
11 A. Yes.  
12 Q. Like health insurance --  
13 A. Yes.  
14 Q. -- life insurance, pension, that type of thing?  
15 A. Correct.  
16 Q. Are those comparable to the benefits that you had at St.  
17 Joe?  
18 A. In terms of dollar amount, I couldn't say yes or no.  
19 But the overall benefit package in terms of access to a  
20 401-K and a pension, yes. I haven't drilled down to --  
21 Q. Is there a -- do you know who held the job at University  
22 of Chicago before you?  
23 A. No, I don't know.  
24 Q. Do you know how much the person was paid in the job?  
25 A. No, I don't know.

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1 Q. Do have an opportunity for growth -- opportunity to make  
2 more money, that sort of thing?  
3 A. I'm hopeful.  
4 Q. Who do you report to?  
5 A. Carol Zuiches, Z U I C H E S.  
6 Q. What position is that?  
7 A. She's the Vice President for Research.  
8 Q. Do you know how much she makes?  
9 A. No, I do not.  
10 Q. Do you believe there will be opportunities for promotion  
11 within the University of Chicago from this position if  
12 you're doing a good job there?  
13 A. I would like to assume, yes.  
14 Q. When you're doing this job, can you do consulting work  
15 on the side?  
16 A. Probably not.  
17 Q. Do you know?  
18 A. I have a huge learning curve with this job so my initial  
19 plans are to not consult because I want to do this one  
20 well.  
21 Q. Sure. But you've set up a consulting company -- well,  
22 let me ask you this; when did you set up your consulting  
23 company?  
24 A. I believe I became an LLC in January of 2011.  
25 Q. Did you do outside consulting, that is consulting with

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1 any entity on any matters, while you were employed by  
2 Trinity or St. Joe?  
3 A. Not for pay.  
4 Q. Did you do consulting without being paid?  
5 A. I was President of a Director of Medical Education  
6 organization. And I would be consulted, asked my  
7 opinion by the American Osteopathic Association on some  
8 educational guidelines. Colleagues would call and ask  
9 what would I do in X situation and I would give them my  
10 opinion.  
11 So consulting in that sense, in a collegial  
12 sense, yes, I did consult but not for pay.  
13 Q. Was the Director of the Association for the American  
14 Osteopathic Association, was the directorship position  
15 that you had -- you said president actually?  
16 A. President.  
17 Q. Was that a paid position?  
18 A. No, it was not.  
19 Q. How long did you hold that for?  
20 A. Two years.  
21 Q. Did your term expire?  
22 A. Yes. It expired in April of 2011.  
23 Q. Can you run for another term?  
24 A. Oh, dear God, no.  
25 Q. Say that again?

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1 A. No.  
2 Q. No, you could not or no, you would not?  
3 A. Both.  
4 Q. You had enough of that?  
5 A. Yes.  
6 Q. So did you serve out your term?  
7 A. Yes.  
8 Q. Did colleagues continue to call you up until the end of  
9 your term to ask you the same kinds of questions they'd  
10 asked you before, like what would you do about this or,  
11 what do you think about that?  
12 A. Yes, they did.  
13 Q. Did you get paid for consulting as a result of any of  
14 those contacts after October, 2011?  
15 A. After October, 2011, and I set up my consulting company.  
16 MS. LAUGHBAUM: You mean October, 2010.  
17 MR. GUNSBURG: Thank you. Bad question. Good  
18 catch. Thank you.  
19 THE WITNESS: October, 2010, after I set up my  
20 consulting company, if it was a quick E-mail or a phone  
21 conversation that could be handled in a couple of  
22 minutes, there was no charge.  
23 When I was asked to take on projects, I  
24 developed a fee structure. And yes, I got paid for  
25 long-term involvement. Long-term being more than

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14 (Pages 50 to 53)

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1 several hours.  
2 BY MR. GUNSBURG:  
3 Q. You have a web site?  
4 A. Yes, I do.  
5 Q. And the web site was set up when?  
6 A. The web site was set up, I believe, December, 2010.  
7 Q. That's a very nice picture of you.  
8 A. Thank you. That's a Trinity photo, my employment photo.  
9 Q. So you were smiling in the picture. And let's see, it  
10 lists you as President. This is the web site now. As  
11 consultant in medical education and hospital  
12 administration October, 2010, to the present, ten  
13 months, correct?  
14 A. Correct.  
15 Q. And then the web site lists -- it lists a number of  
16 entities which you provided consultation.  
17 A. Over my life, my professional life. Not all in the last  
18 ten months.  
19 Q. So I'm going to -- you're familiar with your web site?  
20 A. Yes, I am.  
21 Q. I'm going to show you a piece of your web site that  
22 refers to consultation provided to and there's a list of  
23 about 20 places or so.  
24 And I just wondered if you could tell me if  
25 any of those consultations occurred while you were

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1 working for Trinity or St. Joe's Mercy Oakland?  
2 A. No, not a one.  
3 Q. Did any of them occur after October, 2010?  
4 A. Yes.  
5 Q. Which ones?  
6 A. Pacific Northwest University and Health Services, TUMEC,  
7 TUMEC, Emanuel Medical Center, American College of  
8 Osteopathic Anesthesiology, and St. Mary Mercy Hospital  
9 in Livonia, also St. Joseph Mercy Health System in Ann  
10 Arbor -- hospital system -- Health System in Ann Arbor.  
11 Q. Okay. How about AUA?  
12 A. AUA, correct. Thank you.  
13 Q. Any others? This is after October 1 of 2010.  
14 A. They're not on here but Heart of Lancaster Hospital in  
15 Lancaster, Pennsylvania.  
16 Q. Okay.  
17 A. And that's it.  
18 Q. There is eight consulting arrangements that you had  
19 beginning after October 1, 2010, correct?  
20 A. Correct.  
21 Q. Are any of them ongoing?  
22 A. Two.  
23 Q. Which?  
24 A. The one at Pacific Northwest Hospital, the first one.  
25 Q. Pacific Northwest University?

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1 A. Out in Yakima, Washington. And Touro, the one in --  
2 Emanuel Medical Center. I am -- I'm sorry, Emanuel  
3 Medical Center which is in Turlock, California.  
4 Q. Do you have a contract with Pacific Northwest and  
5 Emanuel Medical Center?  
6 A. Yes, I do.  
7 Q. How long do those go for?  
8 A. The one for Emanuel ends July 31st.  
9 Q. What do you do for Emanuel?  
10 A. I'm helping them establish an entirely new Graduate  
11 Education Medical Program. They've never been involved  
12 in Graduate Medical Education.  
13 Q. How much do you get paid a month under that contract?  
14 A. 10,000.  
15 Q. When did you start?  
16 A. I started that one, February, 2011.  
17 Q. So through July, six months at \$10,000 a month?  
18 A. Correct.  
19 Q. Is that contract renewable? In other words, have you  
20 finished setting up the Graduate Medical Residency  
21 Program?  
22 A. I've written all residency applications.  
23 Q. My question is a little different. Let me ask it this  
24 way, but for you're taking the job at the University of  
25 Chicago, would that contract continue?

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1 A. If I had the time. If I wasn't doing a full-time job,  
2 yes, it could continue, I believe.  
3 Q. Is there a way that you could do your job at the  
4 University of Chicago and still continue some or all of  
5 the Emanuel Medical Center work that you're doing?  
6 Doing it at night, do it on the weekends, something like  
7 that?  
8 A. No. I was contracted to write the residency  
9 applications and give them directions on how to set up a  
10 department. My work for that will be completed with  
11 Emanuel on July 31st.  
12 The medical school out in California has  
13 several other hospitals they would like to bring on  
14 board but I do not have the time nor can I fly out there  
15 for frequent meetings in order to set up new hospitals.  
16 Q. That's the Emanuel Medical Center has other work you  
17 had -- they'd like you to do but you don't think you'll  
18 have time?  
19 A. The medical school identified Emanuel. The medical  
20 school is TUMEC and Touro. And they have identified  
21 potential training sites. Emanuel was one of them. I'm  
22 completing that work. They have some other sites they  
23 would like to develop but I don't have the availability  
24 of time to go out and make site visits and help develop  
25 the faculty.

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15 (Pages 54 to 57)

Page 54

1 Q. Okay. The Pacific Northwest University, University of  
2 Health Services in Yakima, Washington, when did that  
3 start?  
4 A. That started in March, perhaps April of 2011.  
5 Q. And how much do you get paid a month under that program?  
6 A. I don't get paid monthly under that program. I have two  
7 deliverables. One I get paid 25,000 for and one I get  
8 paid 15,000 for.  
9 Q. When are the deliverables due?  
10 A. At the latest December.  
11 Q. You will be delivering those deliverables?  
12 A. July 31st.  
13 Q. And you will collect your \$15,000 and \$25,000 when you  
14 make those deliveries July 31st?  
15 A. Correct. That's what I'm hoping, that they are  
16 satisfied with the product.  
17 Q. Assuming you did it right and they liked it and you met  
18 all the other criteria?  
19 A. Yeah.  
20 Q. You'll get deliverables accepted and paid for?  
21 A. Correct.  
22 Q. And does Pacific Northwest have other projects that they  
23 would like you to take on?  
24 A. They wanted me to come out and be Associate Dean of the  
25 Medical School.

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1 Q. Oh. In Yakima, Washington?  
2 A. Correct.  
3 Q. That's a nice place, don't you think?  
4 A. Seattle is better.  
5 Q. Yakima is pretty good. And you turned that down?  
6 A. Correct.  
7 Q. How much did they offer you for that job?  
8 A. 130.  
9 Q. Did you have -- putting that aside for a minute, did  
10 they have other projects that they want you to work on,  
11 what you call these deliverable projects?  
12 A. They had talked about there being a potential but we  
13 never explored what that might be.  
14 Q. I assume that you're in good standing with Pacific  
15 Northwest and if they like your products when you  
16 deliver them the end of this month, and that you get  
17 comfortable and maybe have some time and learn the job  
18 at the University of Chicago, it's possible to go back  
19 and do some more deliverables for them?  
20 A. Anything is possible somewhere down the road.  
21 Q. Okay. What about TUMEC? What is TUMEC?  
22 A. TUMEC -- oh, goodness. We're going to get into the  
23 finer grain of osteopathic education. And TUMEC is in  
24 Las Vegas, Nevada. It's called an OPTI, OPTI,  
25 Osteopathic Postdoctoral Training Institution. And

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1 TUMEC is the OPTI associated with Touro University  
2 Medical School. Touro has campuses in New York, Viejo,  
3 California and Las Vegas. And the OPTI, the  
4 coordinating entity is located in Las Vegas. And that's  
5 actually where my pay came from for the consulting to  
6 set up Emanuel.  
7 Q. So that's a separate job from Emanuel?  
8 A. No.  
9 Q. So covered under the same 10,000 a month?  
10 A. Yes.  
11 Q. How about you listed American College of Osteopathy  
12 Anesthesiology?  
13 A. Yes. That was a very small project I did for them.  
14 Q. How much was that?  
15 A. I think \$350, \$375, very small. A couple of hours worth  
16 of work.  
17 Q. Did they have other work for you to do that you could  
18 find time to do?  
19 A. Not that I'm aware of.  
20 Q. How about -- well, in any event, are you in good  
21 standing with them?  
22 A. Oh, yes.  
23 Q. They like you?  
24 A. Yes.  
25 Q. Did they offer you any other jobs?

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1 A. No. They haven't offered me any other jobs.  
2 Q. How about TUMEC, did they offer you a job come out here  
3 and run the program or things like that?  
4 A. No.  
5 Q. You're in good standing with them, with TUMEC?  
6 A. Yes.  
7 Q. St. Mary Mercy, now I'm familiar with St. Mary Mercy.  
8 They're in Livonia?  
9 A. Yes, they are there a Trinity Hospital.  
10 Q. So did you do some work for St. Mary Mercy?  
11 A. Yes, I did.  
12 Q. And how much did St. Mary pay you?  
13 A. On the first contract 20,000, that was from November  
14 until about January.  
15 Q. Did you have another one that --  
16 A. Yes, another contract for double the amount to run  
17 through December of this year.  
18 Q. So how much did you get paid under that contract?  
19 A. I believe I've only collected -- I've only done billable  
20 hours for about -- less than 5,000 is my recollection.  
21 Q. That contract is still in place?  
22 A. It is but they don't have any other work for me right  
23 now. They've had some staffing changes in Ann Arbor  
24 that have slowed things down.  
25 Q. Well, this was St. Mary's in Livonia?

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16 (Pages 58 to 61)

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1 A. But their Graduate Medical Education office is under the  
2 direction of Ann Arbor.  
3 Q. For St. Joseph Mercy Health, that's St. Joe Ann Arbor?  
4 A. Yes, it is.  
5 Q. That's also a Trinity Hospital?  
6 A. Correct. I wrote one fellowship application for them, a  
7 Mohs Fellowship.  
8 Q. How much did they pay you for that?  
9 A. Well, that was paid out of St. Mary's contract but since  
10 they're part of the same management structure I was  
11 directed to write that Mohs Fellowship application and  
12 bill St. Mary's for that.  
13 Q. So if they -- if St. Mary's or St. Joe in Ann Arbor  
14 calls you and says we got some more work for you under  
15 the second contract that's got 40,000 in terms of work  
16 that you signed for between now and the end of the year,  
17 are you available to do that?  
18 A. Not after August 1, no, I'm not.  
19 Q. How about AUA, did you have a faculty position with  
20 them?  
21 A. I always had a faculty position with them and that  
22 faculty position continues. I was asked to help find a  
23 training site for their students and put on a \$1,000 a  
24 month retainer. I believe that contract also started  
25 end of January, beginning of February, 2011. I have

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1 subsequently notified AUA that I'm not available to  
2 continue that work as of July 31st.  
3 Q. Okay.  
4 A. So I terminated that contract.  
5 Q. So you collected five, 6,000 from AUA?  
6 A. Correct.  
7 Q. How about Heart of Lancaster Hospital, what was that?  
8 A. That was a very short-term project that I did last week.  
9 Was it last week? The Fourth of July weekend. The  
10 fifth and sixth of July I was in Lancaster doing an  
11 evaluation needs assessment of their program. I spent a  
12 total of four days, \$6,000 plus expenses.  
13 Q. What was your base pay at St. Joe as of October 1, 2010?  
14 A. My base pay was 170 with a 25,000 incentive.  
15 Q. Did you collect some of the incentive?  
16 A. Yes, I finally did.  
17 Q. How much of the 25?  
18 A. I believe -- this is before or after taxes? I believe I  
19 met the objectives for around 20, 22,000 of the 25.  
20 Q. In your consulting practice before you took the job at  
21 University of Chicago, did you have some time to fill?  
22 A. Oh, yes.  
23 Q. So what -- were you working 50 percent of your available  
24 time? Maybe can you give me a ballpark?  
25 MS. LAUGHBAUM: What time period are we

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1 talking about?  
2 MR. GUNSBURG: From the time you set up the  
3 consulting company until you took the job.  
4 THE WITNESS: From the time I set up the  
5 consulting company until now, say 75 to 80 percent  
6 always looking for other contracts but that filled up a  
7 lot of time.  
8 BY MR. GUNSBURG:  
9 Q. So you were working 75 to 80 percent of your capacity, a  
10 fair estimate?  
11 A. Well, capacity, I could deny myself sleep, I suppose.  
12 I'm not sure what capacity is.  
13 Q. Well, I guess it would depend on how hard you want to  
14 work. But you said 75 percent.  
15 A. I was working. It's difficult to answer that question  
16 because with many of these projects I'm traveling across  
17 country. So while I'm sitting on planes does that count  
18 as part of my capacity? Or is it actually writing is  
19 capacity?  
20 Q. I work on a plane. Do you work on planes or snooze?  
21 A. I sometimes work. I sometimes snooze.  
22 Q. Did you have an hourly rate as a consultant?  
23 A. I started off with an hourly rate but then was advised  
24 by several individuals that do a lot of consulting that  
25 for longer term projects, it's better to come up with a

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1 day rate rather than hourly. My St. Mary's contract,  
2 which was my first contract that I landed within a few  
3 weeks of being terminated, states an hourly rate.  
4 Q. How much was that?  
5 A. I believe I started out at \$100 an hour.  
6 Q. Was that the hourly rate that you used consistently when  
7 you used an hourly rate or did you raise it or lower it  
8 or --  
9 A. Well, now I charge by the day.  
10 Q. Okay. So how much do you charge a day?  
11 A. \$1,500.  
12 Q. \$1,500 a day. So that's more like \$200 an hour?  
13 A. Correct.  
14 Q. You're getting to be like a lawyer now.  
15 A. I am a doctor.  
16 Q. So now you get 1,500 a day?  
17 A. Correct.  
18 Q. And a day is how many hours?  
19 A. Ten, 12 hours.  
20 Q. Did you -- after October 1, 2010, did you elect to take  
21 COBRA?  
22 A. No. It was too expensive.  
23 Q. So what did you do for health care?  
24 A. I bought a health care plan. I'm sorry. It was so  
25 useless. I believe it's HAP or maybe Blue Cross Blue

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18 (Pages 66 to 69)

Page 66

1 Q. And did they give you a pay range?  
2 A. The previous pay range when they had offered me the job  
3 several years before was around 130.  
4 Q. With a bonus or incentives?  
5 A. We didn't talk about that.  
6 Q. And you elected not to take that.  
7 A. The consulting was going well and I did not feel where I  
8 was in a place yet where I could move across country. I  
9 was concerned about selling my house in the middle of  
10 winter and the loss I would take on it.  
11 Q. And have you sold your house now?  
12 A. Yes, I have.  
13 Q. How much did you buy the house for?  
14 A. I bought the house for 170, 175.  
15 Q. What did you sell it for?  
16 A. 160.  
17 Q. Okay. Are there any other perks that go with this  
18 University of Chicago job like a car or --  
19 A. They're going to offset some of my moving expenses.  
20 Q. Okay. Anything else?  
21 A. Not that I've found yet.  
22 Q. So as of this point in time you intend to move to  
23 Chicago, start working at the University of Chicago  
24 August 1?  
25 A. Correct.

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1 Q. You're not looking for work at this point in time?  
2 A. I'm turning it down, correct.  
3 Q. And you decided to abandon the consulting practice, at  
4 least at this point?  
5 A. Correct.  
6 MR. GUNSBERG: Can we take five?  
7 MS. LAUGHBAUM: Sure.  
8 (A short recess was taken)  
9 BY MR. GUNSBERG:  
10 Q. How did you come to work at St. Joe?  
11 A. The Director of Medical Education at Pontiac Osteopathic  
12 Hospital Gary Willyerd, WILLYER D, had an  
13 association with St. Joseph Mercy Oakland. And the  
14 position of DME was open. And Gary Willyerd suggested  
15 that I apply for the position. So I sent my resume to  
16 Don Bignotti who reviewed it and then brought me in for  
17 a series of interviews.  
18 Q. Who was your predecessor?  
19 A. A gentleman by the name of -- last name is Bustamante.  
20 Q. Do you know what happened to him?  
21 A. He went back to Oakwood Hospital. He had been at  
22 Oakwood, went to St. Joe's and then went back to  
23 Oakwood.  
24 Q. Was he terminated or did he quit, do you know?  
25 A. I believe he quit.

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1 Q. Did he quit based on somebody suggesting he ought to  
2 quit?  
3 A. I have no idea, no knowledge of that.  
4 Q. And the job you took was Director of Graduate Medical  
5 Education?  
6 A. Correct.  
7 Q. And that entailed what? What was Graduate Medical  
8 Education?  
9 A. At that time I believe they had five residency programs.  
10 And they wanted to improve the quality of programs and  
11 they wanted to add programs and they wanted, as I was  
12 told, greater financial responsibility and fiscal  
13 oversight to be sure all the reimbursements were being  
14 captured.  
15 Q. And so this was in 2005 and the five residency programs  
16 were?  
17 A. 2006, January 2006. The residency programs were the  
18 transitional year, internal medicine, general surgery,  
19 radiology, and osteopathic OB.  
20 Q. The transitional year, what is that?  
21 A. That's for residents that either haven't secured a  
22 residency program or the residency program that they are  
23 going into requires one year of general medical  
24 training. So some residency programs, like radiology,  
25 require that you do a transitional year before you start

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1 the residency programs.  
2 Q. How many transitional residents were there?  
3 A. I believe there were six.  
4 Q. Did the number of residents stay the same all the time  
5 you were there?  
6 A. No, they did not.  
7 Q. When you started how many were there?  
8 A. I believe that there were around 75.  
9 Q. Would that go up then?  
10 A. 104 when I left.  
11 Q. And were about half of those in internal medicine?  
12 A. May I correct something?  
13 Q. Sure.  
14 A. In terms of the 75 or so residents that were there when  
15 I came, that was 75 residents under contract to  
16 St. Joe's. Hospitals are capped in terms of the number  
17 of people that they'll receive reimbursement for  
18 training. The cap has always stayed the same, which is  
19 around 102, 103.  
20 St. Joe's was highly dependent on having  
21 people from other hospitals rotate in to bump up the  
22 number every month so that we'd get the full  
23 reimbursement for 104. While I was there, perhaps  
24 despite my effort, the programs became more attractive.  
25 And we were relying less on outside people coming in and

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19 (Pages 70 to 73)

Page 70

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1 we had more under contract that were in-house all the  
2 time.  
3 Q. So you had 75 under contract plus these residents that  
4 would rotate in to bring you up to 102?  
5 A. Yes.  
6 Q. That's when you started. And then when you left there  
7 were 104. And fewer of those 104 were rotating?  
8 A. Correct.  
9 Q. Were they all under contract at the time, the 104?  
10 A. Virtually all of them were under contract.  
11 Q. So the rotating had stopped?  
12 A. The rotating had stopped.  
13 Q. And did you have any other folks that you oversaw or  
14 programs that you oversaw besides residents?  
15 A. Yes, the Institutional Review Board, the IRB.  
16 Q. What is the IRB?  
17 A. There was some research going on in the hospital. And I  
18 chaired the review committee to approve, review the  
19 applications to conduct human subjects research in the  
20 hospital.  
21 Q. And did that amount of research stay the same over the  
22 four or five year period you were there?  
23 A. Pretty much. It was fairly constant.  
24 Q. Okay. And do you know what the -- was there a budget or  
25 was there a revenue generated by the residency program?

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1 A. Oh, I'm sorry. Yes, there is.  
2 Q. How much is that?  
3 A. To the best of my recollection they get about 220,000  
4 per resident. So I think it came to some 19 million a  
5 year.  
6 Q. And did that stay constant?  
7 A. No. It got much better over time as we were more  
8 diligent about tracking who was in-house and being sure  
9 that finance filled out the right forms to get CMS,  
10 Center for Medicaid Services, to reimburse the hospital  
11 for the training.  
12 Q. When you say it got better, you mean that the amount  
13 that the hospital collected?  
14 A. We became more efficient and accurate in claiming what  
15 we were doing.  
16 Q. So when you started how much was the hospital collecting  
17 in residency fees a year?  
18 A. It wasn't very clear.  
19 Q. How much was it on an annual basis when you left?  
20 A. Well, we were claiming 104 residents at about 220,000  
21 per year.  
22 Q. By the way, when -- if people ask you why you were  
23 terminated, what do you tell them?  
24 A. It depends on who is asking.  
25 Q. Okay. So you tell different people different reasons?

1 A. Yes, I do.  
2 Q. So let's say it's one of -- one of your friends. Have  
3 you told any of your friends why you were terminated?  
4 A. Yes, I have.  
5 Q. So have you told Cathy Coburn why you were terminated?  
6 A. Yes.  
7 Q. What did you tell her?  
8 A. I told her that there were allegations that I had  
9 created a hostile work environment and that I drank on  
10 the job.  
11 Q. Okay. And did you tell her that yes, I did; no, I  
12 didn't; some of it was true, some of it wasn't, I  
13 disagree with what they say, we have a difference of  
14 opinion about that?  
15 A. Cathy knows me and knows I never drank on the job and am  
16 unlikely to have created a hostile work environment.  
17 Q. What do you tell people who are not your friends?  
18 A. I said there was some differences of opinion and the  
19 hospital desired different leadership.  
20 Q. So are those basically the two variations of what you  
21 tell people?  
22 A. Yeah. My mom heard it in much greater depth. Many more  
23 details.  
24 Q. And when you talk about differences of opinion, is that  
25 what you would tell prospective employers or prospective

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1 consulting prospects?  
2 A. Not prospective consulting prospects. They never asked.  
3 Many -- most of those -- virtually all of those  
4 positions that I secured came through my professional  
5 contacts. They've known me over time. They've worked  
6 with me. And why I wasn't with St. Joe's really didn't  
7 make any difference to them.  
8 Q. Did you ever -- are you aware of anybody contacting St.  
9 Joe for a reference?  
10 A. No, I am not aware of it.  
11 Q. Did you list St. Joe as a reference?  
12 A. No, I did not.  
13 Q. So with prospective employers you told them we had a  
14 difference of opinion and they wanted new leadership or  
15 words to that effect?  
16 A. Correct.  
17 Q. And that satisfied them, as far as you know, in terms of  
18 contacting St. Joe or checking out the reason?  
19 A. Well --  
20 Q. If you know?  
21 A. I don't know. I know I didn't get those jobs.  
22 Q. How many jobs did you actually apply for as a Medical  
23 Education Director?  
24 A. As a Medical Education Director?  
25 Q. Yes. Like what you were doing at St. Joe.

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20 (Pages 74 to 77)

Page 74

Page 76

1 A. I was literally not aware of any openings. I did send  
2 my CV to a hospital in Jackson that is getting ready to  
3 start some programs, but I have not heard back from  
4 them. I sent that off in March, April.  
5 Q. What hospital is that?  
6 A. I'm sorry?  
7 Q. Jackson, Michigan?  
8 A. Yes, Jackson, Michigan. I was aware that there was a  
9 DME position somewhere in rural West Virginia, had  
10 sufficient consulting work that -- that stimulated me  
11 and was paying the bills that, that was not a high  
12 priority position to apply for.  
13 Q. So in terms of your -- back up a minute.  
14 So you're director of GME at St. Joe and  
15 you're responsible for overseeing the IRB, correct?  
16 A. Yes, correct.  
17 Q. Does that cover all your jobs?  
18 A. I guess I'd stick with recruiting, I helped write  
19 curriculum. I did some teaching, counseled residents,  
20 counseled program directors.  
21 Q. And each of the residency programs had a medical  
22 director?  
23 A. Had a program director, yes, that was a physician  
24 specializing in that area.  
25 Q. And for the transitional year residents, who was in

1 Q. He reported to you?  
2 A. For medical education.  
3 Q. He was an employed physician?  
4 A. Correct.  
5 Q. Employed by St. Joe?  
6 A. Correct.  
7 Q. And you, on the chart -- organization chart would be  
8 listed as his immediate supervisor?  
9 A. For medical education, correct.  
10 Q. So medical education had to do with the Residency  
11 Program for Internal Medicine, correct?  
12 A. Correct.  
13 Q. And did you and he get along okay?  
14 A. We?  
15 Q. You and Diaczok.  
16 A. Dr. Diaczok and I had a rough start. And I thought we  
17 worked very well together over the last few years.  
18 Q. If there was a disagreement on how a residency program  
19 in internal medicine would be administered, not the  
20 training that is what they learn, but all the other  
21 stuff that went with it --  
22 A. Um-hmm (affirmatively), correct.  
23 Q. -- did you have the last word? In other words, if you  
24 and Diaczok had a disagreement, you could say this is  
25 the way we're going to do it?

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Page 77

1 charge of that?  
2 A. Jeffrey Yanez, Y A N E Z.  
3 Q. Is this, the transitional year, was that the same as AUA  
4 fifth year?  
5 A. No.  
6 Q. There was an AUA fifth year program as well for a while?  
7 A. Correct.  
8 Q. Was that discontinued or was that still going on when  
9 you left St. Joe?  
10 A. It was still going on when I left St. Joe. I don't  
11 believe it's going on now.  
12 Q. And how many of those AUA fifth year students were  
13 there?  
14 A. I think around the time that I left the number was 18.  
15 Q. And then in each of the areas that there was a program  
16 director there was Yanez and he's not with the hospital  
17 anymore?  
18 A. No, he is not.  
19 Q. Did he quit or was he terminated?  
20 A. He quit.  
21 Q. The Program Director in Internal Medicine was always  
22 Diaczok?  
23 A. While I was there, yes.  
24 Q. Did you hire him?  
25 A. No. He was hired around the same time I was.

1 A. I suppose I could take that approach but instead I would  
2 show him the regulation and explain why I thought this  
3 is how we would comply with it and try to get the  
4 program director to see that whatever the issue was  
5 could get us into trouble.  
6 Q. But in the end if he said, look, I don't care what that  
7 is, I'm going to do it a different way, you would be the  
8 person who would say, look, this is how we're going to  
9 do it and we're going to comply with the regulation,  
10 correct? That would be your job?  
11 A. It would be my job and I would check with Don Bignotti  
12 usually to be sure that he had my back.  
13 Q. Okay. And did you and Diaczok ever have a disagreement  
14 about any administrative aspect of the Internal Medicine  
15 Residency Program?  
16 A. There were differences of opinion with all the program  
17 directors.  
18 Q. My question was with Diaczok.  
19 A. Yes.  
20 Q. Can you identify anything that you and Diaczok had a  
21 disagreement about?  
22 A. We had a disagreement when I looked at the call schedule  
23 for the number of times women would be on for holidays  
24 and weekends versus men. So we had a disagreement over  
25 Dr. Diaczok thinking that he could grant an FMLA leave



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20 (Pages 74 to 77)

Page 74

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24 and weekends versus men. So we had a disagreement over  
25 Dr. Diaczok thinking that he could grant an FMLA leave



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21 (Pages 78 to 81)

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1 to a resident as opposed to going through HR. We had a  
 2 disagreement over using J-I residents moonlighting, a  
 3 disagreement about some of his communications, the way  
 4 that he chose to communicate some things.  
 5 Q. Are those the biggies? The big disagreements?  
 6 A. Yeah, I think so.  
 7 Q. And with respect to the call schedule, what was the  
 8 problem?  
 9 A. Well, as some residents came to point out to me, that  
 10 there were -- women tended to be scheduled on holidays  
 11 for coverage, holiday coverage, and men were not  
 12 scheduled for holiday coverage; that there was a period  
 13 of time where it seemed like there were more of the  
 14 women were pulling the call than men were.  
 15 Dr. Diaczok is a wonderful person but not  
 16 particularly good at detail. And if a resident came to  
 17 him and said, oh, I really need a day off for a personal  
 18 reason, then tended to grant that. It seemed as though  
 19 he tended to agree to that more for male residents than  
 20 female residents.  
 21 And so as the head of the department it's  
 22 imperative with all those residents running around that  
 23 nobody gets extra vacation days regardless of how well  
 24 meaning you are.  
 25 Q. What time period are we talking about? Was this in the

1 Q. Did you ever have to write him up over any issue that he  
 2 wouldn't respond to?  
 3 A. I did write him up on two issues. Twice I did.  
 4 Q. When did you write him up and what for?  
 5 A. The first time that I wrote him up in a message to Don,  
 6 a written message to Don, was during the whole time when  
 7 Ben -- we were receiving complaints about Ben prior to  
 8 the outside investigation taking place.  
 9 Q. That would have been back in -- early on in '06, I think  
 10 you said?  
 11 A. No. Late '06.  
 12 Q. Late '06. Okay.  
 13 A. Because I believe he started around April of '06. So  
 14 this would have been winter months. He was very angry,  
 15 very distressed by it. And I was in an elevator one  
 16 morning and he was verbally abusive in the elevator with  
 17 patient family present.  
 18 Q. So you wrote him up about that?  
 19 A. Yes, I did. And --  
 20 Q. Is that a formal disciplinary action?  
 21 A. I believe that it was the proverbial straw that broke  
 22 the camel's back and prompted Don and HR to look at how  
 23 do we evaluate this.  
 24 Q. And did Don Bignotti agree with what you had done?  
 25 A. Don asked me to put it in writing.

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1 beginning, like 2006?  
 2 A. This was continuous. It became less frequent over time.  
 3 But Dr. Diaczok, that's what we did, was every once in a  
 4 while these would happen and we would remind Dr. Diaczok  
 5 and we would help him with these details, which he  
 6 wasn't particularly good at.  
 7 Q. Who is we?  
 8 A. Myself, Pat Davis, chief residents.  
 9 Q. And when you and these other folks pointed out that the  
 10 call schedule looks like it's heavier on the women on  
 11 the weekends and holidays then did he, Diaczok, get  
 12 better?  
 13 A. The call schedule for internal medicine was made by the  
 14 chief resident or it was up until the time I left. Ben  
 15 was responsible for oversight of that detail. And  
 16 sometimes his oversight was better than others. And  
 17 when it wasn't very good then we would point out  
 18 patterns to him and then he would communicate to the  
 19 chief residents and it would get better for a while.  
 20 But I do believe that that was not unique to  
 21 St. Joe's, that that is a problem of trying to manage 50  
 22 people and get coverage 24/7. So I --  
 23 Q. Okay. So if you told Diaczok look, this needs to get  
 24 done in a different way, did he listen to you?  
 25 A. I believe he did. I had every reason to believe he did.

1 Q. So he agreed with what you had done?  
 2 A. Yes.  
 3 Q. Did HR agree with what you had done?  
 4 A. I can only assume that they did because they brought in  
 5 somebody from corporate to take a look at it.  
 6 Q. What was the other time you wrote up Diaczok?  
 7 A. Dr. Diaczok had a tendency to forget where he was when  
 8 he was saying things. And there was an occasion when we  
 9 had daily huddles in Don's office and I would go in case  
 10 there was an issue that compromised patient care that  
 11 came up that involved the residents that I needed to go  
 12 back, follow-up on this.  
 13 There was a situation where, if I recall  
 14 correctly, there were allegations that a resident had  
 15 mis-ordered methadone and mis-ordered an amount of  
 16 methadone.  
 17 Q. When was this?  
 18 A. This would have been in -- sometime -- it's in 2010.  
 19 And I'm thinking late spring.  
 20 Q. Okay.  
 21 A. The patient unfortunately died. And so there was  
 22 a question whether the resident did anything  
 23 questionable. So I went back to Ben and asked him to  
 24 immediately look into it. It's a clinical issue. I  
 25 don't make those calls.

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22 (Pages 82 to 85)

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1 I was walking down the hallway from a meeting,  
2 went into the stairwell to go up to my office. It was  
3 by the ICU waiting area. Ben came the other direction,  
4 opened the door and I'm halfway up a flight of steps and  
5 in a loud voice said I looked into that record, the  
6 resident didn't kill the patient.

7 It was not appropriate place to be making that  
8 kind of a statement with a waiting area right there. So  
9 I wrote him up for that.

10 Q. And did you go to Don Bignotti about this write-up, tell  
11 Don I'm going to write Diaczok up, this is what  
12 happened?

13 A. Right.

14 Q. And Don agreed?

15 A. Right. Because Don had indicated to me several times  
16 when he heard Ben having inappropriate hallway  
17 conversations.

18 Q. Does that cover the times you wrote up Ben Diaczok?

19 A. Yes, it does.

20 Q. Do you have any information that Ben Diaczok had any  
21 input or participated in any way in the decision to  
22 terminate you?

23 A. I have no knowledge of that.

24 Q. Who was the Program Director for OB/GYN?

25 A. Valerie Payne-Jackson. P A Y N E hyphenated.

1 A. It got sent out to more than Susie Swanson, yes.

2 Q. It got sent out to other department heads?

3 A. It went out to some other faculty but I can't tell you  
4 which faculty.

5 Q. And it went out to PJ?

6 A. It went out to PJ.

7 Q. And PJ was upset?

8 A. I believe she was.

9 Q. And PJ complained to Dr. Bignotti?

10 A. Well, probably.

11 Q. Do you know?

12 A. No, I don't know for a fact. I don't know.

13 Q. Dr. Bignotti testified that PJ complained to him and he  
14 started an investigation. You're aware of that. You  
15 were there when he testified?

16 A. Yes, but he also said that the investigation had been  
17 going on for some time so I'm not clear when the  
18 investigation started.

19 Q. He said whatever he said. I respectfully disagree with  
20 that. But in any event, do you know whether PJ actually  
21 complained to Bignotti or not?

22 A. I wasn't there so I wouldn't know.

23 Q. Did you ever discuss the matter with PJ?

24 A. I wasn't given an opportunity to.

25 Q. So the answer is no, you didn't?

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Page 85

1 Q. Did they call her PJ?

2 A. Yes, they did.

3 Q. How did you and PJ get along?

4 A. It was a professional relationship.

5 Q. You're aware that PJ complained about an E-mail that got  
6 sent out in September, 2010?

7 A. Yes.

8 Q. And you're familiar with the E-mail. You know what  
9 E-mail I'm talking about?

10 A. Yes.

11 Q. The one to Susie Swanson that said ignore her, that will  
12 frost her, or words to that effect?

13 A. I object to at that interpretation.

14 Q. What does it say?

15 A. It doesn't say it will frost her. It says you need to  
16 ignore this, cold shoulder it.

17 Q. Cold shoulder will bother her?

18 A. May bother her. I thought it said may bother. This was  
19 September on a Blackberry.

20 Q. I'll quote it to you. This is an E-mail that you sent  
21 to Susan Swanson. It says, ignore her (cold shoulder  
22 will bother her.

23 A. Right, I will acknowledge that.

24 Q. And that was an E-mail that by mistake it got sent out  
25 for a general publication, correct?

1 A. Correct.

2 Q. Did you ever -- did you think there was anything  
3 inappropriate about your E-mail that says ignore her?

4 A. I believe that was something Susie should ignore. She  
5 should not be caught up in the series of exchanges with  
6 Valerie that were taking place.

7 Q. When you instructed Susie Swanson to ignore her, cold  
8 shoulder will bother her, do you think there was  
9 anything inappropriate about that instruction?

10 A. Taken out of context, yes.

11 Q. Well, cold shoulder will bother her, those were your  
12 words, correct?

13 A. According to what you're reading, yes.

14 Q. That's what it says.

15 A. Um-hmm (affirmatively).

16 Q. Yes?

17 A. Yes.

18 Q. Did you have any other disputes with PJ?

19 A. I wouldn't say dispute. We had conversations about the  
20 quality of resident research. We had conversations  
21 about some documentation that Michigan State University  
22 needed. I wouldn't classify it as a dispute.

23 Q. Did you dislike PJ in any way?

24 A. Not particularly. I invited her to my house several  
25 times. I signed her up for Zumba classes that we did

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23 (Pages 86 to 89)

Page 86

1 together. So I didn't dislike her.  
2 Q. Did you think PJ was pushy or difficult?  
3 A. PJ could be challenging.  
4 Q. Challenging meaning difficult to get along with?  
5 A. No. Challenging.  
6 Q. Well, what does that mean?  
7 A. She really liked for things to be done her way and not  
8 be questioned. She is a very strong person. I'm a  
9 strong person. I can appreciate that. While I may not  
10 have agreed with her, it had nothing to do with her  
11 worth as a human being.  
12 Q. Who were the other program directors?  
13 A. Surgery was Robert Robinson.  
14 Q. How many OB residents were there?  
15 A. 16, I believe.  
16 Q. So there were about 50 residents in internal medicine?  
17 A. When I first started there were 54. Four individuals  
18 were kept on for an additional year, inappropriately,  
19 and called a chief.  
20 Q. So 16 residents in OB?  
21 A. Um-hmm (affirmatively), correct.  
22 Q. How many in surgery?  
23 A. Surgery -- I'm always murky on this. I believe that  
24 there were what's called 12 categorical and four  
25 preliminary.

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1 Q. 16?  
2 A. Yeah.  
3 Q. So who was the head of -- the Program Director for  
4 Surgery?  
5 A. Bob Robinson.  
6 Q. And how did you and Bob Robinson get along?  
7 A. I thought great.  
8 Q. And then we had transitional year, internal medicine,  
9 surgery, OB and then there was --  
10 A. Radiology.  
11 Q. Radiology. And how many residents in radiology?  
12 A. Five year program, 15 -- 14 or 15.  
13 Q. And who was the director?  
14 A. When I first got there, I'm going to blank on his name.  
15 He was with a group that was terminated. The group was  
16 called AROC, A R O C. I don't remember the program  
17 director's name. We only overlapped for about four or  
18 five months. Then another group was brought in  
19 Eastpointe Radiology and Jim Denier was named the  
20 program director.  
21 Q. And was Denier the program director until October of  
22 2010?  
23 A. Yes.  
24 Q. How did you and Denier get along?  
25 A. Initially, very well.

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1 Q. Did Denier, to your knowledge, have any participation in  
2 or involvement in the decision to terminate you?  
3 A. He tried to have me terminated once before.  
4 Q. But my question is a little different. My question is  
5 did he have any input or participate in the decision to  
6 terminate you in October of 2010?  
7 A. I would have no knowledge of that.  
8 Q. When did Denier try to have you terminated before?  
9 A. When residents were coming to me alleging that he was a  
10 bully, that he was rude and inappropriate, that he had  
11 it in for one of the residents, Mike Sonnenberg, S O N N  
12 E N B E R G. And the residents were uncomfortable with  
13 how badly Denier was treating Sonnenberg. His placing  
14 service over education and what was perceived by some of  
15 the residents as threatening behavior.  
16 Q. What does that mean threatening behavior?  
17 A. Threatening that if you complain or if you go up and see  
18 Zonia, that you know your life is going to be tough.  
19 Q. When? What time frame are we talking about?  
20 A. This went on for over a year. I'm thinking like 2008.  
21 I'm thinking.  
22 Q. And when you say he tried to get you terminated, what is  
23 it you understand he did?  
24 A. According to what Don reported to me, Jim Denier and Ray  
25 Rahi, R A H --

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1 Q. Who is Rahi?  
2 A. The head of Eastpointe Radiology.  
3 Q. That would be Denier's partner?  
4 A. Yes, they were. They were less than pleased that I was  
5 listening to the residents and I was, with Don's  
6 permission, giving the residents a monthly forum to meet  
7 and discuss problems in the program.  
8 Q. Okay. So what did they do, go to Don and say get rid of  
9 Zonia?  
10 A. In a nutshell that's what Don reported to me was that  
11 they wanted me gone.  
12 Q. And this was, you think, in 2008?  
13 A. I'm hazy on that. I'm going to say 2008.  
14 Q. And Don said not going to happen?  
15 A. According to Don both he and Jack Weiner, the CEO, said  
16 it's not going to happen.  
17 Q. Did you ever talk to Jack Weiner about Denier and Rahi  
18 wanting you gone in 2008?  
19 A. No, I did not.  
20 Q. Did you ever discuss Denier and Rahi wanting you gone  
21 with Denier and/or Rahi?  
22 A. No, I did not. I perceived that that was almost like  
23 privileged information that Don was confiding to me just  
24 to make me aware of their feelings so I could take that  
25 into consideration when I did interact with them.

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24 (Pages 90 to 93)

Page 90

1 Q. Okay. And in your Complaint there is a reference to  
2 some incident involving a knife with Denier.  
3 A. Correct.  
4 Q. Did that incident occur before they went to Don or at  
5 the same time they went to Don?  
6 A. Slightly after.  
7 Q. How long after?  
8 A. Within a few months.  
9 Q. Tell me about --  
10 A. It could have been closer in time. I wasn't exactly  
11 sure on the first event. So it's in that time frame.  
12 It's within the window.  
13 Q. Fair enough. And it's -- you would say it's within --  
14 the knife incident was within the window of time during  
15 which Denier and Rahi were trying to get you fired?  
16 A. I believe so.  
17 Q. And the knife incident, how did that start? Did  
18 somebody complain to you or mention to you or what  
19 happened exactly?  
20 A. One of the radiology residents, Steve Zifka, Z I F K A,  
21 came to my office to tell me that Dr. Denier was seen  
22 giving Dr. Vakhariya, V I C A R I A, first name Seetha,  
23 a switchblade to defend herself if needed when she was  
24 on a rotation in Washington, D.C. Evidently Dr. Denier  
25 and as he expressed to me, was that all of Washington,

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1 D.C. was a very dangerous area.  
2 Q. That's what was reported to you by Dr. Zifka?  
3 A. Zifka.  
4 Q. And did you ever see this knife?  
5 A. Yes, I did. I held it in my hand.  
6 Q. Oh, how did you happen to see the knife?  
7 A. Seetha -- Dr. Vakhariya was on the out rotation in  
8 Washington, D.C. I sent her an E-mail that said I  
9 wanted to speak with her her first day back. She came  
10 to my office. She had the knife in her pocket.  
11 Q. Okay. And describe the knife.  
12 A. It wasn't a penknife. When I held it in my hand it was  
13 bigger than my hand.  
14 Q. Was it a pocket knife like a Victoria Knox Knife?  
15 A. I'm not a weapons expert. I don't know. It was large.  
16 It was heavy. The few knives that I have seen that are  
17 like pocket knives or penknives, you need both hands to  
18 open them. This had a button and a blade came out. To  
19 the best of my knowledge that's called a switchblade but  
20 I may be wrong.  
21 Q. Well, had you reported this to anyone prior to having it  
22 shown to you by Dr. Vakhariya?  
23 A. Yes.  
24 Q. Who did you report that to?  
25 A. Don Bignotti.

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1 Q. Okay. And what did you say to Don Bignotti about the  
2 knife?  
3 A. I told him, as I recall, that the complaints about  
4 Dr. Denier were escalating and that it was reported to  
5 me that he gave a resident a knife for self defense.  
6 And that the residents had also reported that Dr. Denier  
7 told them he kept a gun in his car in the glove  
8 compartment and that he was licensed to carry a  
9 concealed weapon.  
10 Q. Was this a verbal report?  
11 A. I don't recall. It probably was verbal -- probably was  
12 verbal.  
13 Q. And what did -- was that the end of the conversation or  
14 what happened after that? Did you say anything more?  
15 A. Don said to continue following up on it.  
16 Q. What does that mean, continue following up on it?  
17 A. As I interpreted it, it was to contact Dr. Vakhariya to  
18 find out if this was true.  
19 Q. And did you do that?  
20 A. Yes, I did.  
21 Q. And she showed you this knife?  
22 A. Yes.  
23 Q. And then what did you do next?  
24 A. I told her I wanted to take it down to Dr. Bignotti.  
25 She begged me not to because it would compromise her

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1 position with Dr. Denier. And she felt it would  
2 jeopardize her ability to get a fellowship program  
3 because she would need a letter of recommendation from  
4 him.  
5 Q. So what did you do?  
6 A. I told her I had never been confronted with a situation  
7 like that and she could get into big trouble walking  
8 around the hospital with such a device, that she needed  
9 to either give it to security or give it back to  
10 Dr. Denier but she needed to rid herself of that  
11 immediately.  
12 Q. Did Dr. Vakhariya agree to do that?  
13 A. She did.  
14 Q. And so what happened to the knife; do you know?  
15 A. I believe she gave it back to Dr. Denier.  
16 Q. Did you discuss this matter any further with Denier or  
17 anybody else?  
18 A. I didn't discuss it with Dr. Denier.  
19 Q. Did you discuss it further with anybody else?  
20 A. Dr. Bignotti.  
21 Q. Okay. What did you do?  
22 A. I told Dr. Bignotti that I had in fact held the knife in  
23 my hand, described what it looked like. And he assured  
24 me that he would follow-up with Dr. Denier and Dr. Rahi  
25 about this.

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25 (Pages 94 to 97)

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1 Q. And did he; if you know? Do you know what happened  
2 after that?  
3 A. No, I do not. I believe he said he had a meeting with  
4 them.  
5 Q. You believe Bignotti said that he, Bignotti, had a  
6 meeting with Denier and Rahi?  
7 A. Correct.  
8 Q. And that was the end of the knife?  
9 A. That was the last discussion of the knife incident.  
10 Q. Did you ever have any discussion about the knife  
11 incident with Dr. Bignotti again or was that the end of  
12 it?  
13 A. Not a meaningful discussion. We had some jokes about in  
14 private about knives. I'm sure it came up in a sidebar  
15 conversation but not in terms of taking any corrective  
16 action.  
17 Q. As far as you know Bignotti talked to Denier, told him  
18 to get rid of the knife and that's what happened,  
19 correct?  
20 A. That's all I can assume.  
21 Q. Do you have any information of any kind that this  
22 incident with the knife and Dr. Denier and any  
23 conversation you had with Dr. Bignotti about the knife  
24 was in any way considered in the decision to terminate  
25 you?

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1 A. I have no knowledge of that.  
2 Q. You've alleged in your Complaint that there was an issue  
3 about shadowing involving Dr. Jewell?  
4 A. Correct.  
5 Q. When did that issue come up?  
6 A. That issue came up August or September, I want to say,  
7 of 2010.  
8 Q. Let me stop you there. So did Dr. Jewell have anything  
9 to do with your Graduate Medical Education Program?  
10 A. No, nothing.  
11 Q. Did you know Dr. Jewell?  
12 A. Yes.  
13 Q. How?  
14 A. We were on a number of committees together. He knew  
15 that I was the Director of Medical Education. When I  
16 first started for several years he was supposed to be  
17 coming to the Graduate Medical Education monthly  
18 meetings and didn't. So I saw him around the hospital,  
19 said hello.  
20 Q. You two friendly, amiable, hello, hello?  
21 A. Cordial.  
22 Q. Cordial. Good word. Thank you. You were cordial?  
23 A. Yes.  
24 Q. Did Dr. Jewell, was he covered by any of the policies  
25 that covered Graduate Medical Education?

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1 A. Yes.  
2 Q. How?  
3 A. Well, the issue of bringing someone in to shadow him  
4 would be a medical education policy. So that would  
5 affect him.  
6 Q. Let me back up a minute. I guess my question is was he  
7 part of the Medical Education Department in any way?  
8 A. Well, I believe, as I stated, for many years he was, as  
9 Chair of the Department, supposed to be coming to the  
10 Graduate Medical Education Committee Meetings. I  
11 also -- where policies and procedures, among other  
12 things, were discussed and approved. He was also on the  
13 Medical Executive Committee where all of our policies  
14 and procedures would then go for final approval.  
15 Q. Was Dr. Jewell a member of the Department of Medical  
16 Education?  
17 A. He was a member of the Medical Education Committee but  
18 not a faculty member paid out of my department budget.  
19 Q. Was he a member of the Department of Medical Education?  
20 A. No. Only the five program directors are.  
21 Q. So the shadowing incident that took place, what do you  
22 know about it?  
23 A. What I know about it is that Dr. Jewell contacted Susan  
24 Schultz, S C H U L T Z, who is a nurse who set up  
25 opportunities for nurses to shadow. When nurses shadow,

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1 they're typically in the hospital for a day. And they  
2 move them through a number of different departments.  
3 Dr. Jewell wanted to get an ID badge for his  
4 girlfriend's daughter who was in high school to come and  
5 spend some time with him.  
6 Q. Let me stop you. The nurses that shadow, are these  
7 employees of the hospital?  
8 A. They are in nursing school.  
9 Q. So they're not employees of the hospital?  
10 A. No, they are not.  
11 Q. They're not in a residency program?  
12 A. Correct.  
13 Q. They're not in any educational program through St. Joe?  
14 A. They're in the educational program but not through St.  
15 Joe's Health Care Educational Programs.  
16 Q. And they're not members of the Department of Medical  
17 Education --  
18 A. Correct.  
19 Q. -- at St. Joe?  
20 A. Correct. So these nurses, when they come in and shadow,  
21 they follow another nurse around. They will be  
22 assigned -- they're currently enrolled in nursing  
23 school. It would almost be like the AUA fifth semester  
24 but it's for one day. They'll spend a little bit of  
25 time in the emergency department and they might go to



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26 (Pages 98 to 101)

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1 oncology for a little while. So they're moved around  
 2 during the day. So they're not involved in patient care  
 3 or have direct patient contact. They're working with  
 4 the nurses outside of patient care.  
 5 Q. But they might have access to patient records?  
 6 A. Correct.  
 7 Q. Do they sign some sort of -- is there a consent that's  
 8 signed or some sort of shadowing agreement that's  
 9 signed?  
 10 A. They receive training -- it's my understanding, because  
 11 I'm not in charge of nursing education, that they  
 12 undergo HIPAA training as part of their nursing  
 13 education. And they sign a HIPAA disclosure form that  
 14 they agree, they understand HIPAA. And it's reviewed  
 15 before they go out on the floors. And they sign that  
 16 they agree to adhere to the HIPAA policy.  
 17 Q. Does St. Joe have a shadowing form that a patient can  
 18 sign that says I agree to what this person -- let this  
 19 person shadow with my doctor or talk to my doctor or be  
 20 part of the shadowing program or something like that?  
 21 A. Not in medical education we don't.  
 22 Q. Does St. Joe have a form of such signed outside of  
 23 medical education?  
 24 A. On the admission form there is a statement that I can't  
 25 quote but there is a statement to the effect that this

1 shadow, for instance, to come into the patient's room or  
 2 observe a procedure or look at their records? Do you  
 3 know if that's legally doable or not?  
 4 A. It would be a violation of hospital policy.  
 5 Q. But I guess I'm asking under the law, can a patient  
 6 verbally consent to a shadow, as far as you know; if you  
 7 know?  
 8 A. I believe there would be contradictions to hospital  
 9 policy and that hospital policy would trump, I believe.  
 10 Q. So do you know whether, for instance, HIPAA rights can  
 11 be waived?  
 12 A. A patient can sign a release for a particular individual  
 13 to have access to their medical records.  
 14 Q. So HIPAA rights are waivable?  
 15 A. You can assign them to someone else, yes.  
 16 Q. HIPAA rights and privacy rights, to the extent that  
 17 patients have privacy rights, belong to the patient,  
 18 correct?  
 19 A. I'm going to say I agree with you.  
 20 Q. I'm asking you as Director of Medical Education, do you  
 21 have any information about whose rights, privacy and  
 22 HIPAA rights, belong to? In other words, do the rights  
 23 belong to the patient, as you understand it?  
 24 A. The rights belong to the patient. The patient chooses  
 25 to assign them to someone else.

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1 is a teaching hospital and that there will be -- there  
 2 may be learners, residents and nurses involved that are  
 3 observing, that are in training.  
 4 Q. I guess I'm asking are you aware of whether there is a  
 5 form of some kind that a patient can sign as a consent  
 6 to shadow?  
 7 A. I believe the OR has one for pharmaceutical reps and  
 8 device manufacturers. I haven't seen it personally.  
 9 Q. Do you know whether a patient can verbally consent to a  
 10 shadow?  
 11 A. In a physician's office, certainly.  
 12 Q. How about in a hospital?  
 13 A. We have a policy that was supported by Don Bignotti and  
 14 Jack Weiner that the only people allowed to shadow on  
 15 the services in the hospital were people that were in  
 16 good standing in medical school, that we had a contract  
 17 with the medical school to train their residents, that  
 18 we could be sure that their immunizations were  
 19 up-to-date and filled out an application form in  
 20 advance.  
 21 Then if there was capacity on a service, there  
 22 weren't already 20 people on it, then we would take  
 23 them.  
 24 Q. But my question is a little different. To your  
 25 knowledge can a patient verbally agree that to allow a

1 Q. Have some patients ever assigned, as far as you know,  
 2 their HIPAA rights to you?  
 3 A. Never.  
 4 Q. Has a patient ever assigned their privacy rights to you?  
 5 A. They've assigned them to the hospital --  
 6 Q. Okay.  
 7 A. -- to protect their privacy.  
 8 Q. Have you as a patient ever assigned to you the right to  
 9 be -- strike that.  
 10 Do you review patient records?  
 11 A. No, I do not.  
 12 Q. Do you go on the floors and see patients?  
 13 A. As I'm walking down the corridor have I seen a patient,  
 14 yes. But I don't see them in terms of consulting with  
 15 them.  
 16 Q. Do you have any information that shadowing in and of  
 17 itself violates any law?  
 18 A. Shadowing in and of itself?  
 19 Q. Yes.  
 20 A. I'm going to say I have no knowledge. I'm not in a  
 21 position to judge the laws.  
 22 Q. Your understanding or belief is that shadowing violates  
 23 a policy at the hospital, correct?  
 24 A. Shadowing in and of itself doesn't violate the policy.  
 25 We determined that there were certain individuals that



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27 (Pages 102 to 105)

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1 we believed would be eligible to shadow and others that  
2 are not.  
3 Q. As a function of policy?  
4 A. As a function of hospital policy. That it wasn't a  
5 place for the medically curious.  
6 Q. So as a matter of hospital policy, you understood or  
7 believed that certain people, as you call them the  
8 medically curious, shouldn't be shadowing; is that a  
9 fair statement, a correct statement?  
10 A. The Medical Education Committee voted on that policy  
11 annually and endorsed that there was a set of  
12 individuals that were eligible and others that were not.  
13 It was my job as the DME to follow the policies of the  
14 Medical Education Committee that were also approved by  
15 the hospital board.  
16 Q. So Dr. Jewell wanted his girlfriend's daughter to shadow  
17 with him?  
18 A. Correct.  
19 Q. How did you -- strike that.  
20 And that you understand that Dr. Jewell went  
21 to Susan Schultz and asked that that girlfriend's  
22 daughter be allowed to shadow with him or somebody?  
23 A. Susan Schultz called me and said that Dr. Jewell wanted  
24 to bring somebody in to shadow. It wasn't a nursing  
25 student so she said she had told him to contact me, that

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1 this was outside of something she could do.  
2 Q. Susie Schultz said that she had told Dr. Jewell to  
3 contact you --  
4 A. As I recall.  
5 Q. -- or contact medical education?  
6 A. Well, if I recall correctly because she called me on it  
7 right away, it was my understanding that she told him  
8 that he needed to work through me or Deneen McCall.  
9 Deneen is the person that handles student rotations.  
10 Q. So Susan Schultz called you and said Dr. Jewell wanted  
11 somebody to shadow and you said?  
12 A. We have a policy that unless they're in medical school  
13 we can't even consider it.  
14 Q. That's what you told Susie Schultz?  
15 A. Yes.  
16 Q. Anything else in that conversation?  
17 A. No, that's pretty much it.  
18 Q. And then what happened after that?  
19 A. She had indicated that he was very annoyed in the  
20 conversation because he wanted to bring someone in.  
21 Q. Let me back up. Susie Schultz then apparently talked to  
22 Dr. Jewell and said no, you can't do that?  
23 A. She said she couldn't do it.  
24 Q. So Susan Schultz talked to Dr. Jewell and said that she,  
25 Susie Schultz, could not approve his request?

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1 A. Correct.  
2 Q. That's what you understood from Susan Schultz?  
3 A. Correct.  
4 Q. And what did Dr. Jewell do with that information?  
5 A. I have no idea what he did with it.  
6 Q. Did you have any more discussion with anybody about the  
7 shadowing incident --  
8 A. Yes, I did.  
9 Q. -- or shadowing request? Did you ever talk to  
10 Dr. Jewell about the shadowing request?  
11 A. Yes, I did.  
12 Q. When did you do that?  
13 A. I saw him several days later in the doctors' dining room  
14 in the morning. And I wanted him to understand the  
15 process. And I went up to him. And as he was on his  
16 way out the door, grabbing a piece of fruit or whatever,  
17 and said Susan Schultz had contacted me and that unless  
18 the person he wanted to bring on board was in medical  
19 school, we couldn't allow it.  
20 Q. What did he say?  
21 A. Bullshit. I'm going to talk to Don about it.  
22 Q. Did he talk to Don about it; if you know?  
23 A. I have no knowledge of that.  
24 Q. Well, you were in his deposition, Dr. Jewell's  
25 deposition?

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1 A. Correct.  
2 Q. And Dr. Jewell said that he was annoyed because he had  
3 been run back and forth between medical education and  
4 volunteers, I think is what he said. Do you know  
5 whether that's true or not true?  
6 A. I talked to the individuals in volunteer services to be  
7 sure that they understood as well what the medical  
8 education policy was about shadowing physicians on the  
9 floor. Anyone who is not in medical school, who is in  
10 high school or looking for career day, they go through  
11 volunteer services and they -- I believe they tend to  
12 put them in the emergency department or have -- have  
13 them do what we older folks used to euphemistically  
14 refer to as candy striper activity, but not don a white  
15 coat and go into patient's rooms with a physician as  
16 though they were part of the health care team.  
17 Q. You remember Dr. Jewell testified he talked to Bignotti  
18 and Bignotti said he can't do it and that was the end of  
19 it. Do you recall that?  
20 A. As I recall Dr. Jewell said he asked Dr. Bignotti and  
21 Dr. Bignotti said he didn't know if it was possible or  
22 not, to check with medical education.  
23 Q. And he checked with medical education and he was told no  
24 and that was the end of it?  
25 A. Dr. Bignotti knew what the policy was.

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28 (Pages 106 to 109)

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1 Q. Well, in any event once Dr. Jewell was told he couldn't  
2 have a shadow, assuming that you told him, do you have  
3 any further information that there - anything else  
4 occurred with regard to the shadow matter?  
5 A. Nothing came directly to the Medical Education  
6 Department. Now I'm not out on the floors 24/7  
7 shadowing people myself. So whether he brought somebody  
8 in or not, I would have no knowledge of.  
9 Q. Did anybody ever tell you that you had to allow  
10 Dr. Jewell to bring a shadow?  
11 A. No. Oh, correction, there was a sidebar conversation  
12 when these issues came up about shadowing. I typically  
13 would alert Don or Jack, if Jack was making the request,  
14 that someone was annoyed that we were using this policy  
15 and said no.  
16 Don had always supported me in the past. I  
17 mentioned to him that Dr. Jewell was annoyed that we  
18 weren't letting him bring somebody in. And Don's  
19 response was maybe we should revisit the policy. So no,  
20 he didn't tell me that I needed to allow it but it was  
21 the first time he said we need to revisit the policy.  
22 Q. Do you know if the policy was ever revisited?  
23 A. I was gone shortly thereafter so I don't know if it's  
24 ever been revisited.  
25 Q. Do you have any information that Dr. Jewell requesting a

1 on the moonlighting schedule?  
2 A. They would come and complain that they felt pressured to  
3 moonlight.  
4 Q. And can you identify anyone who came to you and  
5 complained?  
6 A. If I stop thinking it will. Dr. Challa, CHALLA.  
7 Q. Is that man or woman?  
8 A. It's a woman.  
9 Q. And when did she talk to you about feeling pressured to  
10 moonlight?  
11 A. Around April, May, 2010.  
12 Q. Was she a J-1 Visa?  
13 A. Yes, she was.  
14 Q. And so you're saying up to that point in time, if  
15 Dr. Diaczok had put J-1 - well, strike that.  
16 You said that in 2007 there were some  
17 schedules that had J-1 residents working moonlighting.  
18 And you brought that to Diaczok's attention and he took  
19 them off?  
20 A. Correct.  
21 Q. And you said when you brought these issues to Diaczok's  
22 attention he took them off?  
23 A. He would look into it. And if they were on, he would  
24 instruct the people that make the schedule to take  
25 greater care to not schedule people that shouldn't

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1 shadow and being denied a shadow was in any way involved  
2 in the decision to terminate you?  
3 A. I would have no knowledge of that.  
4 Q. You mentioned that you had a disagreement with  
5 Dr. Diaczok about J-1 Visa residents moonlighting. Did  
6 I get that right?  
7 A. Correct.  
8 Q. When did that occur?  
9 A. The first time that occurred would have been around  
10 2008. At a 2007 - I believe 2007, the department made  
11 a conscious decision to no longer take H-1 residents.  
12 It was approved by Medical Education Committee. And  
13 there was discussion about what would be allowed and not  
14 allowed by J-1s. And sometimes J-1s would show up on  
15 the moonlighting schedule. And that would be the kind  
16 of detail we would bring to Dr. Diaczok's attention that  
17 it can't happen.  
18 Q. So when you brought it to his attention would he take  
19 them off the schedule?  
20 A. He would direct the chief residents to take them off the  
21 schedule.  
22 Q. And this was in 2007, 2008?  
23 A. Correct. And again in 2009/10.  
24 Q. So in 2009 - let me ask it this way, how would it come  
25 to your attention that a resident, a J-1 resident, was

1 moonlight to moonlight.  
2 Q. Okay. And then in April of 2010, Dr. Challa came to you  
3 and said what?  
4 A. There was another resident. And again, it will come  
5 came to me, to say that since the previous November  
6 there had been evening scheduling difficulties because  
7 the purple team which was managed by Kathleen Peroni  
8 (phonetic) with NPs and PAs were short-staffed. And  
9 that because they weren't able to hire people they were  
10 asked to fill in the openings.  
11 Q. Let me back up a minute. When you say fill in the  
12 openings is that time beyond the normal time they would  
13 be acting as residents?  
14 A. Correct. And they would make additional money for that  
15 time.  
16 Q. Who was together that - who was asking them to fill in?  
17 A. Kathleen Peroni and Ben Diaczok were asking them to  
18 cover as many shifts as they could.  
19 Q. Okay. And so what did you do with that information when  
20 Dr. Challa and this other resident told you that?  
21 A. I took a look at the call schedules where they were  
22 signing up to moonlight and I took a look at the  
23 payments that had been made over the last few months to  
24 residents for moonlighting and saw that there were many  
25 J-1s that had been moonlighting for a prolonged period

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29 (Pages 110 to 113)

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1 of time.  
2 Q. Then what did you do?  
3 A. I asked Dr. Diaczok to stop by my office. I explained  
4 it to him. His response was oh, that's very bad. He  
5 had lost track of how long it had been going on. He  
6 thought it had only taken place for a short period of  
7 time. And he asked me what he should do. My response  
8 was you need to make it stop.  
9 Q. What did he say?  
10 A. He said he'd get right on it.  
11 Q. Did he?  
12 A. I believe he did.  
13 Q. Okay. And was that the end of it?  
14 A. No.  
15 Q. Did he fix the problem?  
16 A. Well, from a legal perspective he did.  
17 Q. When did you have this conversation with Diaczok about  
18 — this is going on and he said it's bad and you said  
19 get it stopped and he said that he would? When did that  
20 go on?  
21 A. I believe that that was May or June of 2010.  
22 Q. Did you hear about this issue again?  
23 A. I wrote it up and sent an E-mail to Don.  
24 Q. What did the E-mail say?  
25 A. That it turns out the residents had been moonlighting

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1 for a prolonged period of time trying to help out cover  
2 at night, but the residents are complaining because  
3 they -- either they don't want to work those hours, some  
4 of them did for the additional money, but many did not.  
5 Regardless, the Visa didn't allow it. I brought that to  
6 Don's attention. And his response, as I recall several  
7 days later, I thought I would get an immediate  
8 response -- several days later was, why the sudden  
9 decision.  
10 Q. Did he send an E-mail back why this sudden decision?  
11 A. Correct.  
12 Q. And was this something you had talked with him -- about  
13 with him before?  
14 A. We had talked about moonlighting off and on for years.  
15 Q. My question is you're referring to the J-1 Visa  
16 moonlighting.  
17 A. Correct.  
18 Q. Had you talked to Don about this before?  
19 A. Yes. And it was a topic of conversation in the Medical  
20 Education Committee Meetings as well which he  
21 participated in.  
22 Q. And what was the conversation?  
23 A. Which conversation?  
24 Q. Was the conversation starting in 2007 that J-1 Visa  
25 residents shouldn't be moonlighting?

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1 A. That they're not allowed to moonlight, yes.  
2 Q. And when it came to your attention that Diaczok and the  
3 chief residents were doing this, you talked to Diaczok  
4 and told him to stop it and apparently it stopped for a  
5 while and it started up again, correct?  
6 A. Yes.  
7 Q. And then you got this report from Dr. Challa and this  
8 other doctor -- and this other resident and talked to  
9 Diaczok and he said it's bad. And you sent an E-mail to  
10 Don. And Don sent you a response saying why the sudden  
11 decision?  
12 A. Correct.  
13 Q. Anything else that was in that response?  
14 A. Not that's the essence of what I remember.  
15 Q. Was there any further communication with Don Bignotti  
16 about this issue?  
17 A. No. Kathleen Peroni contacted me to explain the  
18 difficult situation that she was in trying to provide  
19 coverage at night because of staffing issues.  
20 Ben and I met with her and Ben stressed that  
21 he would really like to help but he couldn't and that he  
22 had lost track of how long this had gone on.  
23 Q. And did Kathleen Peroni have a reaction to that? Did  
24 she say anything?  
25 A. She was frustrated. She was annoyed because she had

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1 slots to fill. And so we told her that we would work  
2 with her and get as many non-J-1s to sign up to cover at  
3 night as we could.  
4 Q. And when did this conversation with Diaczok and Peroni  
5 and you take place?  
6 A. I'm going to hazard a guess, end of June, beginning of  
7 July 2010, roughly.  
8 Q. All right. And did you then work with Diaczok to get  
9 these slots filled by non-J-1 Visa residents?  
10 A. He instructed the chief residents to not -- that  
11 schedule is posted in the resident call room and they  
12 get to sign up. The chief residents were asked to go  
13 through and be sure that anyone that signed up was, in  
14 fact, eligible to do it.  
15 Q. That's what Diaczok did?  
16 A. Diaczok instructed the chief residents to do that.  
17 Q. How do you know that?  
18 A. Because he told me.  
19 Q. And did the chief residents then follow his instruction?  
20 A. I stopped getting complaints about it. And I assumed  
21 that the residents -- I spoke with the chief residents  
22 about it. They said they were on it. I didn't get any  
23 more complaints, so I had every reason to believe that  
24 it had been addressed.  
25 Q. Was that the -- did you have any more conversation with

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30 (Pages 114 to 117)

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1 anybody else about the issue after that?  
2 A. No.  
3 Q. Do you have any information that this issue about J-1  
4 Visa residents was involved in any way in the decision  
5 to terminate you?  
6 A. Do I have direct evidence?  
7 Q. Any evidence.  
8 A. No.  
9 Q. Did anybody ever tell you that you were required to  
10 violate the law?  
11 A. That I was required?  
12 Q. Yes, ma'am. As part of your job that you had to violate  
13 the law.  
14 A. No, they did not.  
15 Q. Did anybody ever instruct you to violate the law in any  
16 way?  
17 A. Direct instruction, no.  
18 Q. When you were terminated, who was present?  
19 A. Martha Murphy and Don Bignotti.  
20 Q. And where did that meeting take place?  
21 A. In Martha's office.  
22 Q. And how did you -- you at the time had been suspended,  
23 correct?  
24 A. For three days, yes.  
25 Q. And you were told that there was an investigation going

1 something about what she was going to say versus what I  
2 would have preferred she would have said in terms of my  
3 availability.  
4 Q. Was that the end of the conversation with Susie Swanson?  
5 A. She was very worried about her position. And I can't  
6 recall other specifics from the conversation at this  
7 time.  
8 Q. Did you have conversation with anyone else at St. Joe  
9 during the time you were suspended?  
10 A. Dr. Verardi called me to ask what was going on. Cathy  
11 Coburn was -- I walked past her office and she saw that  
12 I was upset and came out and gave me a hug. Several  
13 residents called and that was about it.  
14 Q. What happened at the termination meeting? Who said  
15 what?  
16 A. Virtually all the talking was done by Dr. Bignotti.  
17 Martha explained to me my COBRA rights and went over the  
18 paperwork. Don said they had conducted an investigation  
19 and that I was alleged to have created a hostile work  
20 environment and been a poor leader. And I believe that  
21 those are the exact words that are reflected in the  
22 termination paper. And said -- I wasn't given specific  
23 allegations. It was just a poor leader and/or poor  
24 leadership and a hostile work environment. But I wasn't  
25 told what was hostile about the environment. And that

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1 on, correct?  
2 A. Yes. I received an E-mail that there was an  
3 investigation going on.  
4 Q. During the time that you were suspended, did you have  
5 any contact with any of the Medical Education Department  
6 staff, either the program directors or any of the staff  
7 people that worked in the department?  
8 A. I had contact with Susie Swanson. Limited.  
9 Q. When was that?  
10 A. I was suspended on a Tuesday. I believe Tuesday  
11 afternoon.  
12 Q. Did you call her? Did you call Susie Swanson?  
13 A. She called me. She frequently called me -- very  
14 frequently called me.  
15 Q. What was said in that conversation?  
16 A. She asked what was going on. And I told her that, you  
17 know, as a result of the E-mail that got misdirected  
18 that she had been involved in, that there was an  
19 investigation taking place.  
20 And she said that she was going to --  
21 something along the lines of send out an E-mail that I  
22 was on a leave. I forget what it was. But I told her  
23 to just send out an E-mail that I wasn't going to be  
24 available for several days.  
25 I don't remember the particulars. There was

1 there was no point in me saying anything because the  
2 decision had been made.  
3 So I was not told the specifics nor was I  
4 given an opportunity to defend myself against some of  
5 the allegations that I have later seen in writing.  
6 Q. Anything else that you can recall that was said?  
7 A. It was a very brief meeting.  
8 Q. Do you recall responding? Do you recall responding by  
9 saying I guess I confused the difference between work  
10 relationships and friendships?  
11 A. I was talking about Martha and Don. Yes, I did say  
12 that.  
13 Q. Well, did you say it with respect to Martha and Don, I  
14 guess I confused the difference? Or did you say  
15 generally I guess I confused the difference between work  
16 relationships and friendships?  
17 A. I was referring to the people in the room when I made  
18 that statement.  
19 Q. My question is did you refer to them by name or did you  
20 just make the statement? I'm not asking what was in  
21 your head. I'm just asking what it was you said.  
22 A. I made the statement to Martha and Don. They were the  
23 people in the room.  
24 Q. The statement was I guess I confused the difference  
25 between work relationships and friendships?

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30 (Pages 114 to 117)

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1 anybody else about the issue after that?

2 A. No.

3 Q. Do you have any information that this issue about J-1

4 Visa residents was involved in any way in the decision

5 to terminate you?

6 A. Do I have direct evidence?

7 Q. Any evidence.

8 A. No.

9 Q. Did anybody ever tell you that you were required to

10 violate the law?

11 A. That I was required?

12 Q. Yes, ma'am. As part of your job that you had to violate

13 the law.

14 A. No, they did not.

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16 way?

17 A. Direct instruction, no.

18 Q. When you were terminated, who was present?

19 A. Martha Murphy and Don Bignotti.

20 Q. And where did that meeting take place?

21 A. In Martha's office.

22 Q. And how did you -- you at the time had been suspended,

23 correct?

24 A. For three days, yes.

25 Q. And you were told that there was an investigation going

1 something about what she was going to say versus what I

2 would have preferred she would have said in terms of my

3 availability.

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5 A. She was very worried about her position. And I can't

6 recall other specifics from the conversation at this

7 time.

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9 during the time you were suspended?

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11 Coburn was -- I walked past her office and she saw that

12 I was upset and came out and gave me a hug. Several

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19 and that I was alleged to have created a hostile work

20 environment and been a poor leader. And I believe that

21 those are the exact words that are reflected in the

22 termination paper. And said -- I wasn't given specific

23 allegations. It was just a poor leader and/or poor

24 leadership and a hostile work environment. But I wasn't

25 told what was hostile about the environment. And that

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3 investigation going on.

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5 any contact with any of the Medical Education Department

6 staff, either the program directors or any of the staff

7 people that worked in the department?

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11 afternoon.

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17 know, as a result of the E-mail that got misdirected

18 that she had been involved in, that there was an

19 investigation taking place.

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21 something along the lines of send out an E-mail that I

22 was on a leave. I forget what it was. But I told her

23 to just send out an E-mail that I wasn't going to be

24 available for several days.

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2 decision had been made.

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12 that.

13 Q. Well, did you say it with respect to Martha and Don, I

14 guess I confused the difference? Or did you say

15 generally I guess I confused the difference between work

16 relationships and friendships?

17 A. I was referring to the people in the room when I made

18 that statement.

19 Q. My question is did you refer to them by name or did you

20 just make the statement? I'm not asking what was in

21 your head. I'm just asking what it was you said.

22 A. I made the statement to Martha and Don. They were the

23 people in the room.

24 Q. The statement was I guess I confused the difference

25 between work relationships and friendships?



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32 (Pages 122 to 125)

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1 number one, two, three four. Just I read through it and  
 2 said I agreed or disagreed.  
 3 MS. LAUGHBAUM: As a suggestion, maybe you  
 4 could ask her what she recalls what's false?  
 5 MR. GUNSBERG: I just wanted to know when.  
 6 BY MR. GUNSBERG:  
 7 Q. When did you go through it?  
 8 A. I really couldn't give you a date. Counsel notified me.  
 9 I was out of town when it came in on a consulting trip.  
 10 It's all a blur now. Sometime between -- I don't know,  
 11 maybe April. Best guess, March of this year. I really  
 12 couldn't tell you.  
 13 Q. Did you review the notes that you made on the -- about  
 14 the interviews to prepare for the deposition today?  
 15 A. No, I didn't.  
 16 Q. Did you do anything to refresh your memory about what in  
 17 the investigation notes were true or untrue to prepare  
 18 for today?  
 19 A. No, I didn't.  
 20 MR. GUNSBERG: Can we go off the record for a  
 21 second?  
 22 (A short recess was taken)  
 23 MR. GUNSBERG: Back on the record.  
 24 BY MR. GUNSBERG:  
 25 Q. Do you know who William Allen is?

1 Q. Does that mean that you thought you and she were  
 2 friends?  
 3 A. Not in the sense that she wanted to be friends.  
 4 Q. What does that mean?  
 5 A. For example, she wanted to double date, her and her  
 6 husband to go out with me and the person that I was  
 7 dating. She sent me, almost every night, photographs of  
 8 her and her kids playing, birthday cakes, when she went  
 9 to a wedding, wedding photos of places that she was at.  
 10 So I didn't consider myself that kind of friend.  
 11 Q. Did you have any conversation with Susie Swanson or any  
 12 of the staff people in the department involving your  
 13 personal life? For instance, your dating relationships,  
 14 your sexual life, your boyfriend or guys you dated,  
 15 anything like that?  
 16 A. On Fridays frequently what are you doing this weekend,  
 17 those kind of conversations. Yes, we had those kind of  
 18 conversations.  
 19 Q. Did you use the F-word in the office?  
 20 A. I did once or twice when I first started working there.  
 21 Yes, I did.  
 22 Q. Did you use the F-word when Susie Swanson came on in  
 23 February 2010?  
 24 A. I can't remember every single word I had said but I had  
 25 disciplined myself to, I believe, not say that word.

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1 A. I believe Bill Allen, he was administrator before my  
 2 time.  
 3 Q. Do you know if he was fired?  
 4 A. I wasn't here, so I would have no knowledge of that.  
 5 Q. How about someone called Vandenbrook (phonetic)?  
 6 A. Deb Vandenbrook, I believe we overlapped by a few  
 7 months. She stepped in for finance, I believe. I think  
 8 it was finance.  
 9 Q. Do you know if she was fired?  
 10 A. I would have no knowledge of.  
 11 Q. Did you fire anyone who worked for you?  
 12 A. Did I personally fire anyone?  
 13 Q. Yes.  
 14 A. No, I did not.  
 15 Q. Did you have the understanding that HR had the final say  
 16 or have to sign-off on any termination decisions?  
 17 A. That was my understanding.  
 18 Q. Okay. Do you have any information about whether or not  
 19 Martha Murphy was involved in the decision to terminate  
 20 you?  
 21 A. I can only assume, since I believe that HR signs off,  
 22 that Martha had some say in it.  
 23 Q. Okay. Did you believe that you and Susie Swanson were  
 24 friends?  
 25 A. I thought we had a collegial relationship, yes.

1 Q. The F-word meaning fuck. That's the F-word?  
 2 A. Correct.  
 3 Q. So if Susie Swanson reported that you used the F-word a  
 4 lot, you would disagree with that?  
 5 A. I absolutely disagree with that.  
 6 Q. So Susie Swanson is lying about that?  
 7 A. Susie Swanson confided to me many, many --  
 8 Q. Listen to my question. Is Susie Swanson lying about  
 9 that?  
 10 A. She is inaccurate in reporting that. If you want to  
 11 call it a lie, it's inaccurate.  
 12 Q. Did Susie Swanson ever ask you to stop using the F-word?  
 13 A. No, because I wasn't using it in the first place.  
 14 Q. Would you agree that it would be inappropriate for you,  
 15 as the director of the department, to use the F-word a  
 16 lot in the office?  
 17 A. To use the F-word a lot in the office would be  
 18 inappropriate.  
 19 Q. And do you recall telling Susie Swanson that using the  
 20 F-word was part of your freedom of speech?  
 21 A. Not the F-word, no.  
 22 Q. So if Susie Swanson reported that she asked you to stop  
 23 using the F-word and that you referred to the F-word as  
 24 your freedom of speech, she's lying?  
 25 A. I believe that what she is reporting is not accurate.



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33 (Pages 126 to 129)

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1 Q. Well -- so if you were asked about that in an  
2 investigation, your answer would be that she's not  
3 telling the truth and you are? I mean how would you  
4 respond to that?

5 A. I would ask for a situation in which she recalled my  
6 saying.

7 Q. Well, if she reported that it was constant, that you  
8 regularly used the F-word and she says you used it all  
9 the time in all kind of situations, would you  
10 effectively be in a position to say somebody had to  
11 either believe you or believe her?

12 MS. LAUGHBAUM: Objection, form. I don't  
13 understand the question.

14 BY MR. GUNSBURG:

15 Q. In terms of responding to an investigation, assuming  
16 somebody said to you in this investigation Susie Swanson  
17 says you used the F-word a lot and she asked you to  
18 stop --

19 A. Susie Swanson used the F-word.

20 Q. So it's your testimony that it was Susie Swanson using  
21 the F-word, not you using the F-word?

22 A. On occasion Susie used the F-word. She never asked  
23 me -- as I recall, she never had a conversation with me  
24 about it because I didn't use the F-word.

25 Q. So if people in the department during this

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1 investigation, the staff members, reported that you used  
2 the F-word a lot --

3 A. What is a lot? I mean I used the F-word several  
4 times -- a number of times when I first started working  
5 there. It was pointed out to me that several of the  
6 staff members had very strong religious and other  
7 beliefs that they took great umbrage at that term. I  
8 switch to saying WTF.

9 Q. What does that mean, WTF?

10 A. For example, what the fuck. It could be interpreted  
11 that way. I, however, when I was challenged on it when  
12 I'm nervous, I eat. WTF can also be where's the food.  
13 So you can read into it what you want.

14 Q. So was it common for you to respond to things or to use  
15 the phrase WTF?

16 A. Not common.

17 Q. And if you used the phrase WTF, people were supposed to  
18 know that that meant where's the food?

19 A. I even said where's the food. WTF, where is the food.

20 Q. I see. Did you -- did you ever make a statement about a  
21 person who stutters, that the guy stutters a lot and  
22 makes me want to go yank his dick to help him get the  
23 words out?

24 A. I repeated the conversation from another DME. Yes, I  
25 repeated that conversation.

1 Q. Who was the guy who was stuttering?

2 A. It was a faculty member at Michigan State.

3 Q. And why were you and who did you repeat that to, say  
4 that to, the guy stutters a lot and it makes me want to  
5 go yank his dick so he can get the words out?

6 A. Not that I want to do that. It was an individual that  
7 was likely to -- I believe it was Deneen McCall. It was  
8 somebody that we were thinking about bringing in to do  
9 some teaching for the osteopathic residents. Dr. Joann  
10 Mitchell is the DME at Pontiac and that was her  
11 statement. And Deneen had reported how difficult he was  
12 to speak with and I shared that story from Dr. Mitchell.

13 Q. Did you tell Susie Swanson or any member of the staff  
14 that you were dating someone named Pete?

15 A. I have had his picture in my office and they asked who  
16 it was.

17 Q. So the answer is?

18 A. Yes.

19 Q. And did you tell Susie Swanson or other members of the  
20 staff that you were cheating on Pete?

21 A. No.

22 Q. So if Susie Swanson reported this, she's a liar?

23 A. Yes.

24 Q. That would be your position that that's a lie?

25 A. Yes.

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1 Q. And how would someone who is doing an investigation know  
2 who is telling the truth in this you said, they said  
3 situation?

4 A. I was never asked to comment on any of it. So only one  
5 side of a story was ever heard.

6 Q. My question is a little different. Assuming that this  
7 comment was reported, that you said that you were dating  
8 someone named Pete and you were cheating on him, how  
9 would the -- and you denied it, by the way, how would  
10 somebody know who to believe?

11 A. You know, I guess they could call in Pete and ask if I'm  
12 where I say I'm going to be. I have no idea.

13 Q. How would Pete know whether you're cheating on him? I  
14 assume if you were cheating on him, wouldn't you hide  
15 that from Pete?

16 MS. LAUGHBAUM: I'm going to object to this  
17 whole line of the questioning, what investigators might  
18 or might not have learned when it's obvious that  
19 Ms. Zonia was never asked. So this is just kind of  
20 silly.

21 MR. GUNSBURG: Thank you. I appreciate your  
22 comment.

23 BY MR. GUNSBURG:

24 Q. The question I have is how would an investigator know  
25 whether to believe you or to believe what the people in

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35 (Pages 134 to 137)

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1 A. Journey is a philosophical approach that the hospital is  
2 asking all -- and training that asked all support staff  
3 to go through because it was going to set the tone for  
4 operations at the hospital.  
5 Q. Where did the directive to go through Journey come from?  
6 A. It came from the top levels. Could have been at  
7 Trinity, it could have been within the corporation, but  
8 certainly within St. Joe's.  
9 Q. Did you make a statement to any of the staff that you  
10 hate Journey and that it was the hokiest thing ever? Or  
11 words to that effect?  
12 A. No. I liked Journey compared to the other programs we  
13 went through.  
14 Q. Did you make a statement that Journey was nothing but a  
15 bunch of Kumbaya or words to that effect?  
16 A. Journey was not Kumbaya.  
17 Q. Do you know what something called JI refers to?  
18 A. JI? JI? Journey Intensive.  
19 Q. Is that the same thing as Journey?  
20 A. I think it's the same thing as Journey Intensive.  
21 Q. Did you refer to Journey Intensive as Kumbaya?  
22 A. As I said before, I actually enjoyed the Journey  
23 experience. The hospital had previously put on some  
24 other experiences which I did not enjoy.  
25 Q. Do you agree that it would be inappropriate for you to

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1 A. I did not.  
2 Q. Would you agree that would be inappropriate?  
3 A. To order the staff to take down the crosses? Yes,  
4 absolutely inappropriate.  
5 Q. Did you make comments to the fact that people who are  
6 religious or believe in God are stupid or naive or  
7 simple, words to that effect?  
8 A. No.  
9 Q. Did you ever make any comments about religion of any  
10 kind in the office?  
11 A. I said that I didn't -- I believe when asked what  
12 denomination or what my religious conviction was, I said  
13 I had none.  
14 Q. So again, if there was a report that you made the staff  
15 take the crosses down and you made statements to the  
16 effect that people who believe in religion are foolish  
17 or simple or naive, that would be your word against the  
18 staff, correct?  
19 A. That would be correct.  
20 Q. Do you recall telling Susie Swanson that -- or  
21 reiterating a conversation that a friend told you that  
22 you would have to give your boyfriend a blow job for  
23 helping you move?  
24 A. I do recall saying that. It was -- you're taking it out  
25 of context but I remember some of those words.

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1 make statements that Journey is hokey or that it's a  
2 bunch of Kumbaya and that you hated those type of  
3 things?  
4 A. If I had done it, it would have been inappropriate.  
5 Q. So once again, if during an investigation staff members  
6 said you made these statements, someone would have to  
7 weigh your denial, you're saying no, I didn't versus  
8 those folks saying yes, she did? You agree with that?  
9 A. Yes, I do agree with that.  
10 Q. Do you have any reason why you believe that your denial  
11 should be believed versus the assertions made by your  
12 staff that you said or did the kind of things I've been  
13 talking about for the last half hour?  
14 A. Yes.  
15 Q. Why should they believe you versus the staff?  
16 A. I believe that the annual evaluations that Dr. Bignotti  
17 did in which he states I'm a very good communicator,  
18 that I'm a team builder and that I've done a good job of  
19 pulling the department together, I would believe that  
20 his statements would count for something.  
21 Q. Any other reason why you should be believed versus the  
22 staff being believed?  
23 A. I can only point to my excellent evaluations and record.  
24 Q. Did you ever have the staff take the crosses down in the  
25 Medical Ed Department?

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1 Q. Did you refer to Dr. Kazzi (phonetic) as a lazy bastard?  
2 A. No.  
3 Q. Would that be inappropriate for you to do that?  
4 A. Yes.  
5 Q. Did you refer to a student who had accepted an intern  
6 position and then declined as a bastard?  
7 A. I have no knowledge of what you're -- which students,  
8 what you're talking about.  
9 Q. Did you ever refer to anyone as a bastard?  
10 A. In my life? Yes.  
11 Q. Bad question. How about in the office? Did you ever  
12 use that term, referring to people as a bastard?  
13 A. You know, I can't remember a day or time or situation.  
14 Q. Are you saying you -- yes, you might have but you don't  
15 recall it or no, you never did or which?  
16 A. I don't recall.  
17 Q. Did you ever make any kind of disrespectful remarks  
18 about Dr. Richter?  
19 A. I made remarks that -- well, it sounds like everything I  
20 said was perceived as disrespectful. I made remarks  
21 about the difficulty in working with Dr. Richter.  
22 Q. Did you ever give people the finger behind their back,  
23 make an obscene gesture as people walked away from you?  
24 A. Yes (indicating).  
25 Q. You made a motion with your hands.

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36 (Pages 138 to 141)

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1 A. Made a motion with my hands. It was not the finger.  
 2 I've put my hands up as people walked away that I found  
 3 frustrating. I have done that on occasion.  
 4 Q. Would it be inappropriate for you to give the people the  
 5 finger as they walked away from you?  
 6 A. Depends on the situation. If I'm out on the street? If  
 7 I'm at home? It depends.  
 8 Q. I haven't been asking you any questions about on the  
 9 street or at home. My questions have to do with what  
 10 was reported to be your behavior in the office. So  
 11 that's what my questions have to do with.  
 12 So would it be inappropriate for you to give  
 13 people the finger as they walked away in the office?  
 14 A. It would.  
 15 Q. And again, if this was reported you would be responding  
 16 by saying I didn't do that. So someone investigating  
 17 would have to either believe you or believe the people  
 18 who reported it, correct?  
 19 A. Yes.  
 20 Q. Do you have any information why staff -- Medical  
 21 Education Department staff would report that you're a  
 22 vindictive person and that you intimidate people?  
 23 A. Vindictive, there is absolutely no evidence of. There  
 24 were people that should have been fired that were  
 25 retained and given second chances. I don't think that's

1 A. I met people at lunchtime on occasion.  
 2 Q. Did you tell Deneen McCall that you were going on a  
 3 date?  
 4 A. One day I did, yes. But I had a lunch date and she had  
 5 my pager and cell phone and could contact me if anything  
 6 came up.  
 7 Q. Who was Malloy?  
 8 A. There was a physician by the name of Dennis Malloy that  
 9 worked for the organization when I first came.  
 10 Q. Did you tell Deneen McCall that you didn't like Malloy  
 11 being there and you would do whatever you could to get  
 12 rid of him?  
 13 A. Absolutely not.  
 14 Q. Do you know a person named Khan?  
 15 A. Yes.  
 16 Q. Is that a doctor?  
 17 A. Yes, Dr. Muhammad Khan.  
 18 Q. Did you tell Deneen McCall that you didn't like Dr. Khan  
 19 and you would do whatever you could to get rid of  
 20 Dr. Khan?  
 21 A. I did not.  
 22 Q. So once again, if these reports were made someone would  
 23 have to decide that Deneen was telling the truth or you  
 24 were telling the truth, would you agree?  
 25 A. That's correct.

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1 vindictive.  
 2 What was the other piece? That I was  
 3 vindictive and intimidating?  
 4 Q. Yes.  
 5 A. I'm a strong person. And that is intimidating for some  
 6 people.  
 7 Q. Was it your practice to dismiss people by putting your  
 8 hands up, signalling they should stop or go away. In  
 9 other words, to dismiss people by putting your hands up?  
 10 A. I know the exact situation that you're referring to.  
 11 And it's taken out of context.  
 12 Q. Did you refer to PJ as a bitch?  
 13 A. Not that I recall.  
 14 Q. Do you have any --  
 15 A. I said she was challenging to work with, that she could  
 16 be very difficult.  
 17 Q. Would it be improper for you to refer to PJ as a bitch  
 18 in the office, refer to her in front of staff, would  
 19 that be improper?  
 20 A. Yes.  
 21 Q. Did you ever leave on business time to meet men to go on  
 22 dates?  
 23 A. Did I have lunch with friends at times?  
 24 Q. Did you tell Deneen McCall that you left -- that you  
 25 left the office to meet men to go for dates?

1 Q. Did you talk to Deneen about the men you dated?  
 2 A. This was about the time she was getting married. And  
 3 she asked some questions about what single life was like  
 4 now that she was about to get married. And yes, I  
 5 mentioned that I was dating.  
 6 Q. Did you tell her that you had 17 dates in 17 days?  
 7 A. We talked about speed dating and that phenomenon.  
 8 Q. Did you tell her that you had slept with so many  
 9 different men during a period of time that sometimes you  
 10 couldn't remember the name of the guy you were in bed  
 11 with?  
 12 A. Oh, dear God, no.  
 13 Q. So if she reported that, either she's lying or you're  
 14 lying?  
 15 A. That would be correct.  
 16 Q. And someone would have to make a choice whether to  
 17 believe her or to believe you?  
 18 A. That's absolutely correct.  
 19 Q. Did you make a comment to Susan Swanson that you  
 20 couldn't understand how she could only sleep with one  
 21 man and that you thought that that was the wrong way to  
 22 behave, either in words or in substance, told her that?  
 23 A. No. Susie Swanson volunteered all kinds of information  
 24 about her sex life and her husband's anatomy. No, I did  
 25 not make any comments about what she should or should

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1 not be doing.

2 Q. Did you tell people in the department that you were

3 friends with or good buddies with Martha Murphy?

4 A. Not that I recall but they saw that we had a collegial

5 relationship, a social relationship, that we on a couple

6 of occasions had lunch. Martha would sometimes in her

7 department be subject to criticism. And she's a friend

8 and I would speak up on her department's behalf.

9 Q. Did you get along with someone called Deb Reed?

10 A. Deb is a very nice person, yes.

11 Q. Is she an honest person as far as you know?

12 A. I'm not going to pass judgement on everything she does

13 in the office. I don't know.

14 Q. Do you know why Donna Reed (sic) would report that you

15 used profanity in the office a lot, including the

16 F-word, used the word bastard and called physicians or

17 referred to physicians as bastards and would say fuck

18 like a regular word?

19 A. No, I don't know why she would say that.

20 Q. Is that true that you did that?

21 A. I believe to Deb's ear when I first started working

22 there, she heard the word and took great umbrage with

23 it. I believe that same document says that I became

24 much friendlier and nicer and appropriate as time went

25 on.

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1 Q. Did you make a comment about Deb Reed when she's in a

2 good mood it looks like she had sex during lunch?

3 A. No. That would be Susie Swanson's statement. Susie

4 said that Deb came back with her hair all messed up and

5 she seems like she's in a good mood. She probably got

6 laid during lunch. Susie said that.

7 Q. Did you do anything about Susie Swanson making such a

8 statement? Did you think that such a statement would be

9 inappropriate to make in an office?

10 A. She came in my office and said that behind closed doors

11 and I said we can't speculate about that and let it go.

12 Q. So your version of the story is Susie Swanson said it

13 and Susie Swanson's version of the story is you said it?

14 A. That's correct.

15 Q. So somebody would have to make a judgement about whose

16 got credibility, correct?

17 A. Correct.

18 Q. Did you say to Susie Swanson that -- referring to Dr. PJ

19 that it was good that she was on indefinite leave

20 because I can't stand that bitch?

21 A. No, that is not true.

22 Q. Did you ever make a statement to the effect that Jack

23 Weiner, the CEO of the hospital, would give you whatever

24 you wanted and would never fire you?

25 A. No, not true. I wish that were true.

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1 Q. Would you agree that such a statement to your staff

2 would be inappropriate?

3 A. Yes.

4 Q. Did you ever make any kind of a comment about Deb Reed

5 needing to get laid?

6 A. Susie Swanson made that statement.

7 Q. Did you ever make a reference to Jack Weiner as being

8 stupid or uneducated or words to that effect?

9 A. I have the utmost respect for Jack. I did not make that

10 statement.

11 Q. Did you ever say anything negative about Jack, refer to

12 Jack Weiner in the office or anywhere else for that

13 matter?

14 A. I did not always agree with Jack. There were some

15 policy directives that I respectfully disagreed with.

16 It has nothing to do with trashing him as a human being,

17 saying he's stupid or uneducated.

18 Q. What is the ADA committee? Is there such a thing ADA?

19 How about AOA?

20 A. Oh, American Osteopathic Association.

21 Q. Did you ever make a statement that the hospital needed

22 you because you were on the AOA Committee?

23 A. I made statements that it's very helpful that I'm on the

24 AOA committee, that I'm on several AOA committees

25 because it deals with accreditation. And one of the

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1 things I'm responsible for is accreditation at the

2 hospital.

3 Q. Did you ever tell Susie Swanson you were going on a date

4 with Pete, your boyfriend, and to tell people that you

5 were at a meeting at corporate?

6 A. Goodness, no.

7 Q. Would that be an inappropriate thing for you to do?

8 A. Absolutely.

9 Q. All the things that I -- I've been asking you about

10 whether you did them or not, would you agree you told me

11 these are things that if believed or if true would be

12 inappropriate for you to do on the job, correct?

13 A. You've taken out of context that some of them were done,

14 yes.

15 Q. Would you agree that if believed that these would be

16 things that would create an inappropriate or hostile

17 environment in your office?

18 A. It could.

19 Q. Did you ever refer -- do you know who Reverend Moore is?

20 A. Yes, Fredrick Moore. Beautiful speaking voice.

21 Q. What is his relationship to the hospital?

22 A. I'm a little fuzzy on that. He provides ministerial

23 services to the hospital. And he also was our community

24 representative on the IRB. The IRB has to have two

25 non-scientific members that are part of the committee

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1 and he represented the IRB, the community on the IRB.  
 2 Q. Did you call or refer to Reverend Moore as a fucking  
 3 idiot?  
 4 A. Goodness, no.  
 5 Q. Would that be inappropriate?  
 6 A. If it happened, yes, it would.  
 7 Q. Do you have any information about why Muriel Iafate  
 8 would report that you called Reverend Moore a fucking  
 9 idiot?  
 10 A. I have no idea why. We had difficulty with Reverend  
 11 Moore attending meetings because without a community  
 12 rep, we couldn't do it. We couldn't have the meeting.  
 13 So I voiced complaints about his lack of showing but I  
 14 didn't call him a F-ing idiot.  
 15 Q. Did you ever make negative comments about Christians or  
 16 their -- or Christian beliefs in the office?  
 17 A. No, I did not.  
 18 Q. Would you agree that it would be inappropriate?  
 19 A. Yes, I do. If it took place.  
 20 Q. Did you make a comment or tell Susie Swanson that your  
 21 boyfriend would say that Jesus loves you and your  
 22 reaction would be to say that there's no Jesus?  
 23 A. My boyfriend didn't believe in Jesus so I don't -- I  
 24 have no idea. I don't know where that comes from.  
 25 Q. Did you ever refer to Jack Weiner as an asshole?

1 where Dr. Imlay was the speaker?  
 2 A. He wasn't a speaker. He was receiving an award. I  
 3 believe he was being installed as President, Oakland  
 4 County Medical Society, I think it was.  
 5 Q. Do you remember who the speaker was?  
 6 A. Don Pevin (phonetic). He's on the medical staff and he  
 7 is a pathologist, I think. Don -- I'm sorry. He was  
 8 passing the torch. So I don't know if he'd really say  
 9 he was the speaker. He introduced and gave the award to  
 10 Dr. Imlay.  
 11 Q. Do you recall making a statement at the award dinner the  
 12 speaker, this Dr. Pevin, was what you referred to as an  
 13 asshole?  
 14 A. Goodness, no. Susie Swanson was there as were several  
 15 residents. And no, I didn't make that statement.  
 16 Q. Did you make a statement to Susie Swanson that  
 17 Dr. Bignotti was an asshole or an ass or words to that  
 18 effect?  
 19 A. Goodness. Never and never. I had the ultimate respect  
 20 and liked Dr. Bignotti. I still like Dr. Bignotti.  
 21 Disagree with is different than trashing someone.  
 22 Q. Did you refer to Jim Denier as a, quote, fat bastard,  
 23 close quote?  
 24 A. No, not that I recall.  
 25 Q. Would you agree that that would be inappropriate for you

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1 A. No.  
 2 Q. That would be inappropriate?  
 3 A. If it happened, it would be inappropriate.  
 4 Q. Do you recall telling Susan Swanson in August of 2010  
 5 that you and your boyfriend, Peter, had gotten into a  
 6 fight and you had gotten another guy to go to Chicago  
 7 with you and slept with him in Chicago and had great  
 8 sex?  
 9 A. No, I did not.  
 10 Q. Did that occur, that you actually had gotten in a fight  
 11 with your boyfriend, Peter, and had gone to Chicago with  
 12 some other guy?  
 13 A. No, it did not.  
 14 Q. Did you tell Susie Swanson that you were going to stop  
 15 having sleep overs with Pete because you were staying up  
 16 late at night having sex and that interfered with your  
 17 work or words to that effect?  
 18 A. No, I did not. I said that I only dated on weekends. I  
 19 refer to the week as school nights. And I see my  
 20 friend, Peter, on weekends. You can't be with someone  
 21 on a school night, work late, getting up early. Nothing  
 22 to do with great sex.  
 23 Q. Do you know someone called Sherwin Imlay?  
 24 A. Yes, I do. Dr. Imlay, I M L A Y.  
 25 Q. Did you -- do you recall attending a meeting or a dinner

1 to do that in the office?  
 2 A. If it occurred.  
 3 Q. Would you agree that referring to Dr. Bignotti as being  
 4 a real ass to Susie Swanson, that that would be  
 5 inappropriate?  
 6 A. If it happened. But it didn't.  
 7 Q. So have you done any calculation of your damages that  
 8 you're claiming in this case?  
 9 A. I've thought about some of the losses and expenses that  
 10 I've incurred but I haven't come up with a dollar  
 11 amount. No, I haven't.  
 12 Q. Do you know if there's an expert who has been hired by  
 13 you to calculate your damages in this case?  
 14 A. I haven't hired anyone and to the best of my knowledge,  
 15 my counsel hasn't either, so --  
 16 Q. So can you give me any idea, as you sit here today, what  
 17 your damages are in this case?  
 18 A. I know that --  
 19 MS. LAUGHBAUM: Let me place an objection.  
 20 The categories of damages are set forth in our  
 21 Complaint. You can answer to the extent you are able.  
 22 THE WITNESS: All right. I know that I -- I  
 23 don't have the benefits that I used to have and have had  
 24 to pay for that out of pocket. I know that there were  
 25 two months when I had no income at all coming in. I



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<p>41</p> <p>1 Q. And how did you gain that understanding; if you 2 remember?</p> <p>3 A. I knew he was happy with her performance, and there was 4 a time when we had processed a special increase for her. 5 I think I knew about her high performance scores when we 6 did that.</p> <p>7 Q. Would you have been aware of her pay raises over the 8 years?</p> <p>9 A. Yes.</p> <p>10 Q. And am I correct that she was given significant pay 11 rises, in the ballpark of 30 to 40 percent? Does that 12 comport with your recollection?</p> <p>13 MR. GUNSBURG: I'm sorry. Say that again, please?</p> <p>14 MS. LAUGHBAUM: Can you repeat that?</p> <p>15 THE REPORTER: (Reading.)</p> <p>16 "Question: And am I correct that she 17 was given significant pay rises, in the ball 18 park of 30 to 40 percent? Does that comport 19 with your recollection?"</p> <p>20 A. I recall one significant pay raise in particular.</p> <p>21 BY MS. LAUGHBAUM:</p> <p>22 Q. And presumably that was an indication that her bosses 23 thought she was doing a good job; correct?</p> <p>24 A. It was because she had another job opportunity, and we 25 want to retain her.</p>	<p>43</p> <p>1 Q. And you don't know specifically what Dr. Bignotti said 2 to Susan about this misdirected e-mail, do you?</p> <p>3 A. I don't know specifically, no.</p> <p>4 Q. And this was not the first time in your knowledge that 5 someone at the hospital had misdirected an e-mail 6 accidentally; correct?</p> <p>7 A. Correct.</p> <p>8 Q. And in fact, didn't Gail Molitor accidentally copy in 9 Susan Zonia on an e-mail to her boss calling Susan a 10 "bitch"?</p> <p>11 A. Apparently so, through these proceedings.</p> <p>12 MR. GUNSBURG: I'm sorry. You said through these 13 proceedings, you learned that?</p> <p>14 A. I believe that's when I learned that.</p> <p>15 MR. GUNSBURG: You mean through this lawsuit?</p> <p>16 A. Yes.</p> <p>17 BY MS. LAUGHBAUM:</p> <p>18 Q. So, there are people prematurely hitting the "Send" 19 button? Not just Dr. Zonia; correct?</p> <p>20 A. One other instance.</p> <p>21 Q. Do you know of any others?</p> <p>22 A. I've done it.</p> <p>23 Q. Are you aware of Dr. Bignotti making a comment to Dr. 24 Zonia to the effect that, "If we disciplined everybody 25 that misdirected an e-mail, we wouldn't have anyone</p>
<p>42</p> <p>1 Q. And her bosses did feel she was doing a good job; is 2 that correct?</p> <p>3 A. Yes.</p> <p>4 Q. So, aside from the Ben Diaczok concern raised about 5 Susan that you've mentioned, what's the next thing you 6 heard with regard to any, you know, alleged misconduct 7 or inappropriate conduct on the part of Susan Zonia?</p> <p>8 A. Don showed me the e-mail exchange between she and 9 Dr. Payne-Jackson.</p> <p>10 Q. And do you know how this was brought to Don's attention?</p> <p>11 A. Dr. Payne-Jackson.</p> <p>12 Q. Okay. What was the time frame on this?</p> <p>13 A. Must have been late September 2010.</p> <p>14 Q. And what did he tell you at that time about this e-mail?</p> <p>15 A. He showed it to me. And he had spoken to 16 Dr. Payne-Jackson, who told him she was highly offended 17 by it and it was typically -- I believe, my 18 recollection, is she felt it was typical of her 19 relationship with Susan and that it needed to be 20 addressed.</p> <p>21 I also believe that at that point he had spoken to 22 Susan about it, and her response had been that she 23 didn't see anything wrong with the response she had 24 given Dr. Payne-Jackson, even though she had not 25 intended for Dr. Payne-Jackson to see it.</p>	<p>44</p> <p>1 left?"</p> <p>2 A. No.</p> <p>3 Q. What, if anything, was the game plan with respect to how 4 you were going to address this e-mail issue and 5 Dr. Payne-Jackson's concern?</p> <p>6 A. I believe two things unfolded in one day.</p> <p>7 Q. What was the first thing?</p> <p>8 A. The e-mail from Payne-Jackson, and Don's call, 9 discussion, with Payne-Jackson and with Susan. I 10 believe he asked for HR help, because he was going to 11 ask Susie Swanson about her involvement in the e-mail.</p> <p>12 Q. All right. So, he wanted to discuss this with Susie 13 Swanson? That's your understanding?</p> <p>14 A. Right.</p> <p>15 Because the e-mail had been directed, you know: 16 "Susie, give her the cold shoulder. That 17 will irritate her or make her mad."</p> <p>18 So, I believe Don and Ryan Hernandez on my team met 19 with Susie to ask her about the e-mail.</p> <p>20 Q. When did they meet? Do you know?</p> <p>21 A. I don't know.</p> <p>22 Q. How did you find out that Don had met with Susie to ask 23 about the e-mail?</p> <p>24 A. Partly in my reviewing of the notes to prepare for 25 today. I recalled that.</p>

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MARTHA MURPHY

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<p>45</p> <p>1 Q. Okay. And Hernandez is somebody in your department?</p> <p>2 A. Yes.</p> <p>3 Q. And all three of them met regarding this e-mail as far</p> <p>4 as you know?</p> <p>5 A. His notes lead me to believe that, yes.</p> <p>6 Q. And what are the notes that you're referring to?</p> <p>7 A. There are notes that he took from meeting with Don and</p> <p>8 Susie where they started out talking about the e-mail,</p> <p>9 and then Susie began talking about the working</p> <p>10 conditions in GME and concerns about working with Susan</p> <p>11 Zonia.</p> <p>12 Q. And whose handwriting are those notes in?</p> <p>13 A. Ryan Hernandez.</p> <p>14 Q. Are these the notes you're referring to?</p> <p>15 A. No.</p> <p>16 Q. You said "No"?</p> <p>17 A. No.</p> <p>18 MS. LAUGHBAUM: Have these handwritten notes been</p> <p>19 produced?</p> <p>20 MR. GUNSBURG: I believe so.</p> <p>21 MS. LAUGHBAUM: I'm not aware of any.</p> <p>22 A. I think so.</p> <p>23 MR. GUNSBURG: I think so. They're whatever notes</p> <p>24 we had.</p> <p>25 BY MS. LAUGHBAUM:</p>	<p>47</p> <p>1 Payne-Jackson were not unique; that she was frequently</p> <p>2 asked to do things with other physicians that -- or</p> <p>3 people in the office; that Susan was intimidating. I</p> <p>4 don't remember the specifics, but today I put together</p> <p>5 that that is what triggered the bigger investigation out</p> <p>6 there.</p> <p>7 Q. What do you mean you put it together today?</p> <p>8 A. That the Payne-Jackson piece and then the meeting with</p> <p>9 Susie all occurred on the same day, and as a result, we</p> <p>10 decided to initiate an investigation.</p> <p>11 Q. Okay. So, your testimony is that Dr. Bignotti asked for</p> <p>12 HR to get involved because he was going to talk to Susan</p> <p>13 Swanson regarding this e-mail; correct?</p> <p>14 A. Correct.</p> <p>15 Q. And following the meeting with Swanson, Bignotti and</p> <p>16 Hernandez, what happened? Or what was concluded as a</p> <p>17 result of that meeting; if anything?</p> <p>18 A. We concluded we might have a bigger problem than just a</p> <p>19 one-off e-mail between Zonia and Payne-Jackson.</p> <p>20 Q. Have you subsequently formed the opinion that Susie</p> <p>21 Swanson had some significant credibility problems?</p> <p>22 MR. GUNSBURG: Subsequent to what?</p> <p>23 MS. LAUGHBAUM: Subsequent to that day.</p> <p>24 A. I wouldn't characterize it as "significant credibility</p> <p>25 problems."</p>
<p>46</p> <p>1 Q. How many pages are they?</p> <p>2 A. Maybe two.</p> <p>3 Q. And these are handwritten notes that Mr. Hernandez took</p> <p>4 in meeting with Susie Swanson and Don Bignotti; correct?</p> <p>5 A. Yes.</p> <p>6 Q. And what else did you review to prepare for today?</p> <p>7 MR. GUNSBURG: Well --</p> <p>8 A. The handwritten --</p> <p>9 MR. GUNSBURG: -- I'm also going to object. It</p> <p>10 hasn't been established that those notes were reviewed.</p> <p>11 But go ahead.</p> <p>12 A. The handwritten notes that Ane McNeil took in her</p> <p>13 interviews.</p> <p>14 BY MS. LAUGHBAUM:</p> <p>15 Q. Anything else?</p> <p>16 A. I looked at the disciplinary termination write-up.</p> <p>17 Q. Anything else?</p> <p>18 A. I looked at the discipline policy and I looked at the,</p> <p>19 "Trinity Health Organizational Integrity</p> <p>20 Program/Standards of Conduct."</p> <p>21 Q. What did the Hernandez -- and you did say you reviewed</p> <p>22 the Hernandez's notes as well; correct?</p> <p>23 A. Yes.</p> <p>24 Q. What did those notes say?</p> <p>25 A. They talked about that things like the e-mail to</p>	<p>48</p> <p>1 BY MS. LAUGHBAUM:</p> <p>2 Q. Okay. How would you characterize any concerns you had</p> <p>3 about Susie Swanson or her truthfulness?</p> <p>4 A. In a different scenario all together, someone has</p> <p>5 reported to me that they weren't 100 percent positive</p> <p>6 about her truthfulness.</p> <p>7 Or her integrity. It was more of an integrity</p> <p>8 thing.</p> <p>9 Q. When did these issues come to your attention?</p> <p>10 A. Probably about two months ago.</p> <p>11 It might have been longer.</p> <p>12 Q. Did that give you any pause with respect to the</p> <p>13 incidents surrounding Susan Zonia's termination?</p> <p>14 A. No.</p> <p>15 Q. Even though the key -- one of the key complainants</p> <p>16 against Ms. Zonia turned out to have questionable</p> <p>17 integrity or reputation for telling the truth?</p> <p>18 MR. GUNSBURG: I'll object to that. There's no</p> <p>19 foundation that this -- that Susan Swanson has</p> <p>20 questionable integrity or telling the truth issues.</p> <p>21 That's not what the witness testified.</p> <p>22 MS. LAUGHBAUM: Would you read back the question?</p> <p>23 THE REPORTER: (Reading.)</p> <p>24 "Question: Even though the key -- one of</p> <p>25 the key complaints(sic) --"</p>

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MARTHA MURPHY

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<p>53</p> <p>1 Q. How do you know that what she said was truthful or not 2 truthful?</p> <p>3 A. Because it was corroborated by six other people.</p> <p>4 Q. And what was corroborated, specifically?</p> <p>5 A. Various aspects, such as intimidating behavior, implying 6 to the staff that she was untouchable, and so if they 7 didn't like something, they shouldn't bring it forward, 8 because she was friends with myself, she was friends 9 with other people in administration, she made too much 10 money for the hospital. Jack Weiner would never let her 11 go.</p> <p>12 Q. Okay. And you're here -- and this is all based on what? 13 This is all based on the statements that were taken on 14 September 30th; correct?</p> <p>15 A. Yes.</p> <p>16 Q. What did you hear at the time from Don or Hernandez or 17 Susie with respect to what Susie said at that meeting?</p> <p>18 A. Similar types of things.</p> <p>19 Q. Okay. And it's all set forth in these handwritten 20 notes; correct?</p> <p>21 A. Correct.</p> <p>22 Q. And it's a two-page document?</p> <p>23 A. Yes.</p> <p>24 Q. All right. So, what was decided after this meeting? 25 That there was going to be further discussion with</p>	<p>55</p> <p>1 Q. Did you weigh in on the suspension decision?</p> <p>2 A. Yes.</p> <p>3 Q. Was that actually your recommendation?</p> <p>4 A. I can't remember if it was mine independently.</p> <p>5 In general when we have those kind of complaints 6 about a leader, we try to suspend, to remove the leader 7 from the work environment so that the employees feel 8 more comfortable speaking during the investigation and 9 not worried about daily retaliation if they're all 10 working together.</p> <p>11 Q. So, you believed Susie Swanson that she -- that 12 Dr. Zonia was implying that she was untouchable, 13 apparently throwing around your name in the context of 14 her being untouchable, and you presumed that Susie 15 Swanson was being truthful about that?</p> <p>16 A. And I didn't -- I presumed that we needed to get more 17 information if the things -- to verify whether the 18 things Susie was saying was accurate.</p> <p>19 Q. Okay. Well, Dr. Zonia wasn't asked for her input before 20 she was suspended; correct?</p> <p>21 A. Correct.</p> <p>22 Q. And it's possible that Susie Swanson is completely 23 mentally unbalanced or untruthful or was just making 24 something up; correct?</p> <p>25 A. I'd like to modify.</p>
<p>54</p> <p>1 people in Medical Education; is that right?</p> <p>2 A. Yes.</p> <p>3 And that we would suspend Susan during that time.</p> <p>4 Q. Okay. So, whatever the date was of that meeting with 5 Susie and Bignotti and Hernandez, the suspension 6 decision was made; correct?</p> <p>7 A. Yes.</p> <p>8 Q. Based on whatever Susie -- based on the e-mail and 9 whatever Susie Swanson said; correct?</p> <p>10 A. Yes.</p> <p>11 Q. And would that have occurred without Susie Swanson's 12 statement with regard to additional issues beyond the 13 e-mail?</p> <p>14 A. Probably not.</p> <p>15 Q. Susie Swanson was about a six-month employee; is that 16 correct?</p> <p>17 A. At that time, I believe so.</p> <p>18 Q. Susan Zonia had been with Trinity four or five years?</p> <p>19 A. Yes.</p> <p>20 Q. And Susie Swanson reported to Susan Zonia?</p> <p>21 A. Yes.</p> <p>22 Q. Did Mr. Hernandez report to you what had transpired at 23 this meeting, or how did you find out about it? Did he 24 just hand you his notes?</p> <p>25 A. I don't remember.</p>	<p>56</p> <p>1 Dr. Zonia was asked about her exchange in the 2 errant e-mail to Dr. Payne-Jackson.</p> <p>3 Q. Okay. That wasn't my question.</p> <p>4 My question was, at the time you put Dr. Zonia on 5 suspension, nobody had bothered to ask Susan Zonia if 6 what Susie Swanson had said was accurate, or to respond 7 or rebut or even be made aware of these allegations; is 8 that right?</p> <p>9 MR. GUNSBURG: That's a multiple question.</p> <p>10 But if you can answer, you can.</p> <p>11 A. I didn't make Susan Zonia aware of those, no.</p> <p>12 BY MS. LAUGHBAUM:</p> <p>13 Q. Okay. So, whatever Susie Swanson said was essentially 14 taken at face value, and, boom, Susan Zonia suspended; 15 right?</p> <p>16 A. Susan Zonia was suspended, yes.</p> <p>17 Q. And then subsequently -- by the way, was that September 18 29th that she was suspended? Or was it the 28th? Do 19 you know?</p> <p>20 A. I don't remember between those two dates.</p> <p>21 Q. But it was literally, at most, maybe a two and a half 22 day process from the time any issues surfaced and her 23 termination; correct?</p> <p>24 A. I think the documents have confirmed that, yes.</p> <p>25 Q. All right. So, who decided let's talk to these</p>

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1 coordinators in the Medical Education Department?

2 A. I don't know whether it was me or Don together or

3 independent, but they are the people that are employed

4 up there, and we determined that we would interview the

5 people that were employed up there.

6 Q. All right. Well, you sat through Dr. Bignotti's

7 deposition; correct?

8 A. Yes.

9 Q. And you heard him testify that he had nothing to do with

10 who was interviewed; correct?

11 A. I did hear him testify to that.

12 Q. And were you taken sort of aback by that testimony?

13 A. Not really taken aback. I assumed he either was not

14 involved with that specific decision or doesn't recall.

15 Q. Well, he wasn't being truthful, was he?

16 A. I would not characterize it that way.

17 Q. Did you get the sense he was throwing HR under the bus?

18 A. No, I did not.

19 Q. Were you surprised by his testimony when he said he had

20 absolutely nothing to do with who got interviewed?

21 A. No.

22 Q. So, who did? If it wasn't him, then it was you;

23 correct?

24 A. It may have been Ryan, actually, and/or Ane, because

25 that was when Ryan then became ill and Ane ended up

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1 doing the interviews.

2 Q. Okay.

3 A. It is normal with that kind of complaint to begin a

4 process of interviewing people in the work team.

5 Q. Okay.

6 A. And so I'm assuming we followed that process, and Don,

7 very likely, didn't dictate to us. We likely said, "We

8 need to interview all the employees up there."

9 Q. Okay. Well, a minute ago I asked you who decided that

10 we're going to haul in these HR -- strike that.

11 MR. GUNSBURG: "Haul in?"

12 BY MS. LAUGHBAUM:

13 Q. Haul in these Medical Education staff members, and you

14 told me, "It was me or Don."

15 Now you're saying, well, it also could have been a

16 couple other people in HR; correct? Either Ane or

17 Mr. Hernandez? Is that your testimony?

18 A. So, the reality is, I do not remember.

19 Q. All right. Well, you need to tell me if you don't

20 remember --

21 A. All right.

22 Q. -- Instead of giving me an answer that you're going to

23 retract.

24 And you just said something about it's normal to

25 interview people when some sort of issue arises in a

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1 department; correct?

2 A. Correct.

3 Q. And it's highly abnormal to not interview the accused?

4 Isn't that also correct?

5 A. No.

6 Q. What other situations have you been involved in which

7 resulted in an employee termination where the person

8 accused of misconduct is not interviewed or asked for

9 his or her side of the story?

10 A. There's a recent one sticking in my mind. I can't think

11 of every scenario right now unless I take a moment.

12 Q. Is the recent one one that has occurred since Dr. Zonia

13 was fired?

14 A. Yes.

15 Q. In the last few months or --

16 A. Yes.

17 Q. How about prior to the time Dr. Zonia was fired? Any

18 other instances you can recall sitting here today where

19 the accused, who ended up being terminated, was never

20 asked for his or her side of the story?

21 A. I can't think of a specific instance at this time.

22 Q. Okay. Did you read Becky Hoerner's deposition?

23 A. Yes.

24 Q. And she testified under oath that Dr. Bignotti asked her

25 to schedule an interview of all the girls in Graduate

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1 Medical Education; correct?

2 A. That's what her deposition said, yes.

3 Q. And is that accurate as to what happened as far as you

4 know? Do you have any reason to dispute that?

5 A. No.

6 Q. Do you know why Dr. Bignotti would deny choosing who got

7 interviewed?

8 A. No.

9 Q. You didn't sit in on any of the interviews; correct?

10 A. Correct.

11 Q. Did you ever learn that some of the women Don wanted to

12 interview didn't want to meet with Don alone?

13 A. No.

14 Q. Did you read Becky Hoerner's testimony to that effect?

15 A. I read her testimony.

16 I don't recall that piece in it.

17 Q. Do you recall her saying -- testifying to the effect

18 that Don was -- she was setting up meetings for Don to

19 meet with these Medical Education people, and some of

20 them raised the issue of wanting to get HR involved and

21 not meet with Don one on one.

22 Do you recall her testimony to that effect?

23 A. I don't.

24 Q. Do you know if that's the way it played out or not?

25 A. My only recollection is that when we were setting up the

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<p>81</p> <p>1 all peers?</p> <p>2 A. I don't have any recollection of that.</p> <p>3 Q. Could have happened? You just don't recall?</p> <p>4 A. I suppose it could have happened. I think I would have</p> <p>5 remembered that.</p> <p>6 Q. And if her recollection is she asked you for advice on</p> <p>7 that very issue, would you have any reason to dispute</p> <p>8 that?</p> <p>9 A. I have no recollection of that conversation.</p> <p>10 Q. Okay. So, you did come to understand that at least</p> <p>11 three of the people that had given statements about or</p> <p>12 said negative comments about Susan Zonia had been</p> <p>13 previously counseled or disciplined by her; correct?</p> <p>14 A. I came to understand two. I knew that Pat Davis and</p> <p>15 Gail Molitor.</p> <p>16 Q. Okay. And weren't you aware that she had also counseled</p> <p>17 Susie Swanson about attendance and other issues?</p> <p>18 A. I heard that through these proceedings, but didn't have</p> <p>19 an independent recollection of that.</p> <p>20 Q. Okay. So, there was a decision made, and it was made by</p> <p>21 Don Bignotti and/or HR that they were going to call in</p> <p>22 these Medical Education specialists and ask them about</p> <p>23 Susan; correct?</p> <p>24 A. Correct.</p> <p>25 Q. And that happened within, you know, roughly a day;</p>	<p>83</p> <p>1 Q. So, it was very quickly?</p> <p>2 A. I do know that -- I do know that Don approached him</p> <p>3 after we conducted the termination.</p> <p>4 Q. Based on what Don testified to?</p> <p>5 A. No. Based on events at the time. As the HR person,</p> <p>6 when we have a termination, and then we ended up with a</p> <p>7 vacant position that was critical, I asked Don, "Do you</p> <p>8 want me to begin the recruitment process? What are you</p> <p>9 going to do about filling the role in GME?" And he</p> <p>10 indicated he was going to have a conversation with</p> <p>11 Dr. Dorfman about potentially stepping in on an interim</p> <p>12 basis.</p> <p>13 Q. And do you know how it came about that Dorfman was put</p> <p>14 in place so quickly other than what you've told me?</p> <p>15 A. Because he was already working for us on a part-time</p> <p>16 contract. So, Don approached him to see if he had the</p> <p>17 interest and/or the availability to give us some time to</p> <p>18 step in on an interim basis and do some leadership in</p> <p>19 GME.</p> <p>20 Q. Okay.</p> <p>21 A. And he said he did.</p> <p>22 Q. So, Ane McNeil conducted these interviews on September</p> <p>23 30th; correct?</p> <p>24 A. Yes.</p> <p>25 Q. And did she report back to you throughout the day as she</p>
<p>82</p> <p>1 correct? -</p> <p>2 A. Yes.</p> <p>3 Q. And your involvement in that was what? Did you</p> <p>4 designate Ms. McNeil to handle that or --</p> <p>5 A. Originally, Ryan Fernandez, and then he became ill. And</p> <p>6 so Ms. McNeil was designated, yes.</p> <p>7 Q. Did you give her any direction as to how you wanted her</p> <p>8 to conduct those interviews?</p> <p>9 A. Nothing specific.</p> <p>10 Q. Okay. Was there any time frame in mind? Was it, you</p> <p>11 know, let's get this wrapped up in a day or two, or</p> <p>12 could she have taken a month if she wanted to? Was</p> <p>13 there any talk of how long the process would take?</p> <p>14 A. We didn't specifically talk about it. We always try to</p> <p>15 be as quick as possible, and with this work team, we</p> <p>16 were able to schedule all the interviews in one day.</p> <p>17 Q. Was there any talk -- was there any contact with</p> <p>18 Dr. Zonia's successor at that point? The person that</p> <p>19 ultimately filled that job?</p> <p>20 A. Not by me, no.</p> <p>21 Q. Do you know if Dr. Bignotti had already been in contact</p> <p>22 with that person?</p> <p>23 A. I don't believe so. I do not know specifically.</p> <p>24 Q. But he stepped into the job literally a week later?</p> <p>25 A. Yes.</p>	<p>84</p> <p>1 was doing these interviews, or what's the first thing</p> <p>2 you heard about what was revealed in these interviews?</p> <p>3 (Outside interruption.)</p> <p>4 A. I believe it was at the end of the day, after they had</p> <p>5 all been conducted, that she met with Don and I, and</p> <p>6 went over --</p> <p>7 MR. GUNSBERG: Excuse me just a minute. I have to</p> <p>8 take this call.</p> <p>9 (Discussion held off the record.)</p> <p>10 THE REPORTER: (Reading.)</p> <p>11 "Question: And did she report back to</p> <p>12 you throughout the day as she was doing these</p> <p>13 interviews, or what's the first thing you</p> <p>14 heard about what was revealed in these</p> <p>15 interviews?</p> <p>16 "Answer: I believe it was at the end of</p> <p>17 the day, after they had all been conducted,</p> <p>18 that she met with Don and I, and went over --"</p> <p>19 A. Right.</p> <p>20 There was a point, and I don't remember if it was</p> <p>21 before Ane conducted the interviews -- I think it was</p> <p>22 the evening before that Don and I went up to the GME</p> <p>23 Department, I believe it was the day we suspended Susan,</p> <p>24 to let the team know up there that Susan would be out of</p> <p>25 the office for a few days and that we were going to have</p>

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<p>97</p> <p>1 a national organization of Medical Education directors, 2 and the hospital flew out a bunch of VPs to Seattle to 3 attend the installation? 4 A. Yes. 5 Q. And they threw a big reception for her? 6 A. Yes. 7 Q. And this was approximately a year or so prior to her 8 termination; correct? 9 A. Yes. 10 Q. Do you have a crucifix in your office? 11 A. I don't. 12 Q. Is it a problem to not have a crucifix in your office at 13 St. Joe's? 14 A. Crucifixes are placed various places. 15 MR. GUNSBURG: The question is, is it a problem not 16 to have a crucifix in your office. 17 A. Is it a problem? 18 No. No. 19 BY MS. LAUGHBAUM: 20 Q. Was there one in your office at one time? 21 A. I don't think so. 22 Q. How many days did you collect information or did the 23 hospital collect information on Susan? 24 Is it one day? 25 A. I believe from the record we've said there was the</p>	<p>99</p> <p>1 BY MS. LAUGHBAUM: 2 Q. Can you answer the question? 3 A. No. I'm sorry. 4 Can you ask the question again? 5 MS. LAUGHBAUM: Can you read it back? 6 THE REPORTER: One second, please. 7 "Question: Did those allegations strike 8 you as being, you know, out of line based on 9 what you knew --" 10 the objection -- 11 "Question: -- about Susan?" 12 MR. GUNSBURG: That's an interesting proposition. 13 A. I didn't judge those allegations one particular way or 14 another. 15 I knew that socially -- 16 BY MS. LAUGHBAUM: 17 Q. Well, I'm not talking about socially. I'm talking about 18 what you observed on the job. 19 MR. GUNSBURG: Whoa, whoa, whoa. You asked her a 20 question about whether it's out of line, and now when 21 the witness is trying to answer what's out of line as 22 she understands Susan's behavior, whatever the context, 23 you want to interrupt her and cut her off. 24 MS. LAUGHBAUM: No. 25 MR. GUNSBURG: You can't have it both ways.</p>
<p>98</p> <p>1 e-mail, then there was one day of interviews and then 2 there was a decision. So -- 3 Q. Two days? 4 A. Two days. 5 MR. GUNSBURG: Whatever it was. 6 BY MS. LAUGHBAUM: 7 Q. Did you ever have any reason to believe that Susan Zonia 8 had -- was impaired on the job? 9 A. No. 10 Q. Or that she smelled of alcohol? 11 A. No. 12 Q. Did those allegations strike you as being, you know, out 13 of line based on what you knew -- 14 MR. GUNSBURG: "Out of line?" 15 BY MS. LAUGHBAUM: 16 Q. -- about Susan? 17 MR. GUNSBURG: You mean wrong? 18 Object to the form of the question. 19 I don't know what "out of line" means. 20 MS. LAUGHBAUM: Everyone knows what "out of line" 21 means. 22 MR. GUNSBURG: No, they don't. 23 MS. LAUGHBAUM: It's sad. 24 MR. GUNSBURG: Maybe it is sad, but I'm objecting 25 to the form of the question and the term "out of line."</p>	<p>100</p> <p>1 MS. LAUGHBAUM: No. 2 BY MS. LAUGHBAUM: 3 Q. I want to know about your interactions with Susan on the 4 job, and whether it was surprising to you that there was 5 an allegation that she smelled of alcohol on the job? 6 A. That's a different question. 7 MR. GUNSBURG: That's a different question. 8 BY MS. LAUGHBAUM: 9 Q. Well, answer that one. 10 A. That one -- 11 Q. I don't want to know if you're aware Susan Zonia had a 12 glass of wine some night. I mean that's irrelevant to 13 me. I'm asking about on the job, and these allegations 14 that she was either impaired or had an odor of alcohol. 15 MR. GUNSBURG: I'm just going to object to your 16 methodology of asking the witness a question with an 17 undefined term, and the witness begins to answer giving 18 you an answer you don't like, and you cut her off and 19 then change the question. 20 MS. LAUGHBAUM: All right. 21 MR. GUNSBURG: So, that being the case, answer 22 whatever question is on the table. 23 BY MS. LAUGHBAUM: 24 Q. Ms. Murphy, answer however you want to answer any of the 25 questions I just asked.</p>



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<p>109</p> <p>1 Q. Did someone tell her to write it; if you know?</p> <p>2 A. I think we -- I may have asked her for a summary like</p> <p>3 this, yeah.</p> <p>4 She may have --</p> <p>5 Q. Post?</p> <p>6 A. She may have done it on her own. It was in preparation</p> <p>7 for the meeting we were going to hold with Susan.</p> <p>8 Q. Okay. Well, this is an after-the-fact recounting of</p> <p>9 what happened at the termination meeting; correct?</p> <p>10 A. I see that it says October 1, and I can't remember the</p> <p>11 date of the termination meeting, but it was given to me</p> <p>12 before the termination meeting as kind of prep --</p> <p>13 Q. Okay.</p> <p>14 A. -- for what we were going to share with Susan.</p> <p>15 Q. Okay. Ane McNeil was not at the termination meeting?</p> <p>16 A. No, she was not.</p> <p>17 Q. Did you ask her to provide you some verbiage that you</p> <p>18 could use at the meeting?</p> <p>19 A. I either asked her, or often she is proactive. I can't</p> <p>20 remember which way it was, but she provided this, yes.</p> <p>21 Q. Did any of this get conveyed to Susan Zonia?</p> <p>22 A. We covered -- probably not word for word, but we used</p> <p>23 this as a guide to talk about that we had investigated</p> <p>24 and found these items laid out here.</p> <p>25 Q. Am I correct that none of these allegations referenced</p>	<p>111</p> <p>1 allegations were against her at that point, did she?</p> <p>2 A. She was told -- I don't know what she knew, but she was</p> <p>3 told that after meeting with her team, we had found that</p> <p>4 she had created a work environment that we found to be</p> <p>5 inappropriate.</p> <p>6 Q. And the statements were not shared with her; correct?</p> <p>7 A. Individual statements were not shared with her.</p> <p>8 Q. And nothing substantively in those statements was shared</p> <p>9 with her, was it?</p> <p>10 A. No.</p> <p>11 Q. And in fact, she said she would like an opportunity to</p> <p>12 respond to whatever the claims against her were, didn't</p> <p>13 she, at the termination meeting?</p> <p>14 A. I don't recall her saying that, specifically.</p> <p>15 I recall Dr. Bignotti saying, "There's not anything</p> <p>16 you can say that is going to change this."</p> <p>17 I did ask her in that meeting if she had something</p> <p>18 to say, and that is when she said, and she was tearful</p> <p>19 when she said it, "I guess I confused friendships with</p> <p>20 work relationships," or something to that defect.</p> <p>21 Q. And you heard her testify that she was referring to what</p> <p>22 she presumed was a friendship with you and Don Bignotti;</p> <p>23 correct?</p> <p>24 A. I did hear her testify to that.</p> <p>25 Q. And do you recall -- did she or didn't she ask at the</p>
<p>110</p> <p>1 in paragraph two were ever discussed with Susan Zonia at</p> <p>2 the meeting?</p> <p>3 MR. GUNSBURG: You mean before the meeting?</p> <p>4 MS. LAUGHBAUM: At the meeting.</p> <p>5 BY MS. LAUGHBAUM:</p> <p>6 Q. When she was terminated.</p> <p>7 A. My recollection of the meeting is that we communicated</p> <p>8 to Susan that our investigation had found that she had</p> <p>9 created an intimidating work environment, which is</p> <p>10 stated in the second paragraph, and that therefore she</p> <p>11 was being terminated.</p> <p>12 Q. No one mentioned word-one about inappropriate sexual</p> <p>13 remarks on October 1st, did they?</p> <p>14 A. I do not believe that we called that out specifically in</p> <p>15 that meeting.</p> <p>16 Q. And no one mentioned anything about sharing and asking</p> <p>17 of personal matters with subordinates, did they?</p> <p>18 A. We talked about inappropriate leadership behavior, but</p> <p>19 we were probably not specific to those items.</p> <p>20 Q. And no one mentioned discussing personal issues</p> <p>21 occurring with physicians; correct?</p> <p>22 A. Where do you see that?</p> <p>23 Q. Line three, second paragraph.</p> <p>24 A. Correct.</p> <p>25 Q. In fact, Ms. Zonia didn't really know what the</p>	<p>112</p> <p>1 termination meeting for an opportunity to respond? Do</p> <p>2 you recall if she did or not?</p> <p>3 A. I do not recall her asking for an opportunity to</p> <p>4 respond.</p> <p>5 Q. And she was told the decision was not appealable;</p> <p>6 correct?</p> <p>7 A. She was not told that the decision was not appealable.</p> <p>8 She was told that there wasn't anything that she would</p> <p>9 be able to say at that moment that would change the</p> <p>10 decision.</p> <p>11 Q. Okay. So, no one said, "Susan, let's get your take on</p> <p>12 any of this"? She was essentially foreclosed from any</p> <p>13 ability to say anything, really, wasn't she?</p> <p>14 A. We asked her what she had to say. When she said, and</p> <p>15 got quiet and tearful, that she had confused</p> <p>16 relationships, I took that to mean she understood the</p> <p>17 issues we were raising and she had messed up.</p> <p>18 Q. And you may have just completely misconstrued what her</p> <p>19 point was, in that her position is she was just saying I</p> <p>20 thought you two were my friends, essentially?</p> <p>21 A. I took it one way. She's testified to having meant</p> <p>22 something differently, yes.</p> <p>23 Q. And was there any thought or discussion about attempting</p> <p>24 to get Susan to change whatever these allegedly</p> <p>25 problematic behaviors were?</p>

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Donald D. Bignotti, M.D.

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<p>1 right?</p> <p>2 A. That is correct.</p> <p>3 Q. Okay. And --</p> <p>4 MR. GUNSBURG: I've got to make a 2:00 phone call.</p> <p>5 So, if this is a good place to take a break?</p> <p>6 MS. GORDON: All right.</p> <p>7 MR. GUNSBURG: Let's take a few.</p> <p>8 About 10.</p> <p>9 (Short recess at 2:00 p.m.)</p> <p>10 * * *</p> <p>11 (Record resumed at 2:17 p.m.)</p> <p>12 BY MS. GORDON:</p> <p>13 Q. What is your educational background, Doctor?</p> <p>14 A. I have a bachelor's of science in microbiology and a</p> <p>15 medical degree from Wayne State University.</p> <p>16 Q. Both are from Wayne?</p> <p>17 A. No. The bachelor of science is from Michigan State.</p> <p>18 Q. Okay. And the medical degree you obtained when?</p> <p>19 A. In 1981.</p> <p>20 Q. And do you have any specialty?</p> <p>21 A. I am Board-certified in family medicine.</p> <p>22 Q. Any other Board certifications?</p> <p>23 A. I held a Certificate of Added Qualifications in</p> <p>24 geriatric medicine. That expired in 2008.</p> <p>25 Q. Okay. How long have you been employed at St. Joseph</p>	<p>1 I'm sorry.</p> <p>2 Roseville.</p> <p>3 Q. Were you in a practice group?</p> <p>4 A. I was.</p> <p>5 Q. Was there a name?</p> <p>6 A. East Area Family Physicians.</p> <p>7 Q. How many physicians were there?</p> <p>8 A. It varied from time-to-time. As few as three and as</p> <p>9 many as six.</p> <p>10 Q. And how long were in that private practice?</p> <p>11 A. From 1984 until I made the transition to the Vice</p> <p>12 President for Medical Affairs position.</p> <p>13 Q. Okay. Prior to private practice, were you employed as a</p> <p>14 physician in any manner?</p> <p>15 A. I was an employee of the group, yes.</p> <p>16 Q. Okay.</p> <p>17 A. And a partner.</p> <p>18 Q. But prior to the group, were you employed anywhere?</p> <p>19 A. Oh, I was a resident in family medicine at Bon Secours.</p> <p>20 Q. Okay. What is your current title at St. Joe's?</p> <p>21 A. I'm the Vice President of Medical Affairs and Chief</p> <p>22 Medical Officer.</p> <p>23 Q. Okay. And how long have you held that title?</p> <p>24 A. Since March of 2005.</p> <p>25 Q. The entire time you've been there?</p>
<p>1 Mercy?</p> <p>2 A. Since March of 2005.</p> <p>3 Q. What were you doing before that?</p> <p>4 A. I was the Vice President for Medical Affairs and Chief</p> <p>5 Medical Officer at Bon Secours Cottage Health Services.</p> <p>6 Q. In Grosse Pointe?</p> <p>7 A. Yes.</p> <p>8 Q. How long were you there?</p> <p>9 A. I started there in the position when it was just Bon</p> <p>10 Secours Hospital in January of 1996.</p> <p>11 Q. So, you were there from '96 until when?</p> <p>12 A. Until 2005.</p> <p>13 Q. Okay. And why did you leave Bon Secours?</p> <p>14 A. To take the position at St. Joe's.</p> <p>15 Q. Were you recruited?</p> <p>16 A. Yes.</p> <p>17 Q. Did you know somebody? How did it come to be?</p> <p>18 A. I was contacted by a recruiter and had worked with Jack.</p> <p>19 Q. Jack who?</p> <p>20 A. Jack Weiner, our CEO, when he was also part of the Henry</p> <p>21 Ford system, as was Bon Secours Cottage Health Services.</p> <p>22 Q. Okay. Where were you before Bon Secours?</p> <p>23 A. I was in private practice full-time.</p> <p>24 Q. Where?</p> <p>25 A. In St. Clair Shores.</p>	<p>1 A. Yes, ma'am.</p> <p>2 Q. Do you have a written job description?</p> <p>3 A. Currently, I do not.</p> <p>4 Q. Who do you report to?</p> <p>5 A. Jack Weiner, the CEO.</p> <p>6 Q. Who reports to you directly?</p> <p>7 A. The Director of Medical Education, the Manager of the</p> <p>8 Medical Staff Office, the Director of --</p> <p>9 Q. I'm sorry. Medical Staff Office?</p> <p>10 A. Correct.</p> <p>11 Q. What is the Medical Staff Office?</p> <p>12 A. It is the area responsible for credentialing of</p> <p>13 physicians and medical staff.</p> <p>14 Q. Okay. All right. Who else?</p> <p>15 A. The Director of Risk Management, the Director of</p> <p>16 Outcomes Management and the Chief Medical Informatics</p> <p>17 Officer.</p> <p>18 Q. What's that?</p> <p>19 A. The Chief Medical Informatics Officer is the physician</p> <p>20 who is a specialist in informatics.</p> <p>21 Q. What is informatics?</p> <p>22 A. That is the application of technology, particularly</p> <p>23 electronic medical records, to medical practice.</p> <p>24 Q. Okay. Who else reports to you directly, or is that it?</p> <p>25 A. Can you read those back so I can make sure I have those.</p>

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<p>1 Q. Yes.</p> <p>2 Medical Education Director, Manager Medical Staff</p> <p>3 Office, Director of -</p> <p>4 MR. GUNSBURG: Risk.</p> <p>5 BY MS. GORDON:</p> <p>6 Q. - risk Management and Chief Medical Informatics Office.</p> <p>7 MR. GUNSBURG: And Director of Outcomes and -</p> <p>8 MS. GORDON: That's right. I'm sorry.</p> <p>9 A. And then my - I'm responsible for doing the evaluation</p> <p>10 also for my administrative assistant, although those are</p> <p>11 managed by the Chief Human Resource officers.</p> <p>12 BY MS. GORDON:</p> <p>13 Q. Whose your administrative assistant as of today's date?</p> <p>14 A. As of today's date? Her name is Zea Labate,</p> <p>15 L-a-b-a-t-e.</p> <p>16 Q. How long has she been with you?</p> <p>17 A. For approximately two months.</p> <p>18 Q. And who was there previously?</p> <p>19 A. Rebecca Hoerner, H-o-e-r-n-e-r.</p> <p>20 Q. What happened to her?</p> <p>21 I mean where is she today?</p> <p>22 A. She today works as, I think, an executive assist at</p> <p>23 Trinity Health Corporate Office.</p> <p>24 Q. As far as you're aware, why did she leave you?</p> <p>25 A. She left to take a position that was considered a</p>	<p>1 Q. Is he a friend of yours?</p> <p>2 A. Is he a friend of mine?</p> <p>3 Q. Yeah.</p> <p>4 A. As in do we see each other on a regular basis socially,</p> <p>5 versus being more business acquaintances?</p> <p>6 Q. I don't know. Either one.</p> <p>7 A. I think we've only had one social occasion that we had</p> <p>8 spent together.</p> <p>9 Q. When did you first meet him?</p> <p>10 A. On my first day of being interviewed for the position.</p> <p>11 He was, at that time, the chief of staff-elect.</p> <p>12 Q. Okay. And how long did he remain chief of staff?</p> <p>13 A. Two years.</p> <p>14 Q. And then what happen?</p> <p>15 A. He retired.</p> <p>16 Q. And then he left the hospital management altogether?</p> <p>17 A. No. He - after he was chief of staff and he retired</p> <p>18 from practice, he remained as a chief of staff - the</p> <p>19 past chief of staff, which is to function more as a</p> <p>20 consulting role to the chief of staff, and he took a</p> <p>21 position with the organization after about six months</p> <p>22 following his retirement to be the physician advisor for</p> <p>23 The Care Experience.</p> <p>24 Q. What's that?</p> <p>25 A. That's a position where we sit together with a group of</p>
<p>1 promotion with an increased salary, literally 2 miles</p> <p>2 from her home, and she took it so she could be closer to</p> <p>3 her little girls.</p> <p>4 Q. Who is the current Vice President of Medical Affairs?</p> <p>5 MR. GUNSBURG: I'm sorry? Vice President -</p> <p>6 BY MS. GORDON:</p> <p>7 Q. I apologize. Let me retract that.</p> <p>8 Who's the current Director of Medical Education?</p> <p>9 A. Stan Dorfman, D-o-r-f-m-a-n.</p> <p>10 Q. When did he take that position?</p> <p>11 A. He took the position approximately one week after</p> <p>12 Susan's termination.</p> <p>13 Q. Who was he? Where did he come from?</p> <p>14 A. He is a past Chief of Staff and had been in private</p> <p>15 practice in OB/GYN.</p> <p>16 Q. Where was he in private practice?</p> <p>17 A. His office was actually in Pontiac at the time he</p> <p>18 retired.</p> <p>19 Q. I'm sorry.</p> <p>20 At the time he retired from his practice?</p> <p>21 A. Uh-huh.</p> <p>22 THE REPORTER: I'm sorry. Is that -</p> <p>23 BY MS. GORDON:</p> <p>24 Q. That's a "yes"?</p> <p>25 A. Yes, ma'am.</p>	<p>1 physicians to review how we can improve the satisfaction</p> <p>2 of the physicians with the facility and of our patients</p> <p>3 with our medical staff.</p> <p>4 Q. Okay. And how long - was there a time when he ended</p> <p>5 that role, or did he continue to have that role?</p> <p>6 A. He continues to have that role.</p> <p>7 Q. Okay. But for how long had he been back in private</p> <p>8 practice when he came back on board as Director of</p> <p>9 Medical Education?</p> <p>10 A. I'm sorry?</p> <p>11 Q. Yeah.</p> <p>12 When he - when you made him Director of Medical</p> <p>13 Education -</p> <p>14 A. Yes.</p> <p>15 Q. - he was back in private practice?</p> <p>16 A. No, he was not.</p> <p>17 Q. Okay. What was he doing?</p> <p>18 A. He was retired. He was functioning - at that time, he</p> <p>19 had - he was the chief of staff; the immediate past</p> <p>20 chief of staff. So, he was no longer in practice at the</p> <p>21 time that he was the physician advisor for The Care</p> <p>22 Experience.</p> <p>23 Q. How much time did that take from him?</p> <p>24 A. It varied. I'd say probably on the average, maybe about</p> <p>25 10 hours per week.</p>

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1 BY MS. GORDON:  
 2 Q. Okay. Well, what was the problem with the medical  
 3 coordinators?  
 4 Strike that.  
 5 How much does a medical coordinator make a year?  
 6 A. I do not know.  
 7 Q. What did -- were they making more or less than Rebecca  
 8 Hoemer?  
 9 A. I have no idea.  
 10 Q. You literally have no idea?  
 11 A. I do not.  
 12 Q. Okay. Who wasn't getting along with each other?  
 13 A. The staff.  
 14 Q. Of the program --  
 15 A. The staff were not getting along with the program --  
 16 with the DME and --  
 17 Q. Well, she was gone. So, what is -- so, that problem is  
 18 gone.  
 19 I thought you said they weren't getting along with  
 20 each other?  
 21 A. I said that they were not working as a team. And they  
 22 were not.  
 23 Q. Why not?  
 24 A. The why, I can't necessarily answer. That they weren't,  
 25 I can.

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1 A. He was counseled.  
 2 Q. And what happened after he was counseled? Did it help  
 3 him?  
 4 A. Yes.  
 5 Q. And he stayed on board?  
 6 A. Yes.  
 7 Q. And how many residents complained about him?  
 8 A. I do not recall off the top of my head.  
 9 Q. Okay. Do you recall what his rude behavior was?  
 10 A. I do not recall off the top of my head.  
 11 Q. Was he a doctor?  
 12 A. Yes.  
 13 Q. Who else have you been involved in investigating?  
 14 A. As employees?  
 15 Q. Yeah.  
 16 A. I do not recall actually having an investigation done on  
 17 any other of my other employees while at either  
 18 St. Joe's or at Bon Secours.  
 19 Q. Okay. Anybody else that you've had to counsel or work  
 20 with or warn?  
 21 MR. GUNSBURG: Object to the form. You've got a  
 22 bunch of parts in that one.  
 23 MS. GORDON: No. It's any of the above.  
 24 BY MS. GORDON:  
 25 Q. You tell me. Any of the above.

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1 Q. Okay. Who else have you ever fired from the hospital?  
 2 A. As in a direct employee?  
 3 Q. As compared to what?  
 4 A. As there are people that I am sometimes referred to as  
 5 "firing" in quotes, who are really members of the  
 6 medical staff and independent for whom their privileges  
 7 are terminated as a result of an investigation.  
 8 Q. Yeah. I'm not talking about that. I'm talking about  
 9 employees.  
 10 A. Employees reporting directly to me, terminated for  
 11 cause, I believe I have not done before, personally.  
 12 Q. And you don't recall investigating anybody either?  
 13 I think you already said that.  
 14 A. I don't think you asked that.  
 15 Q. Have you ever been involved in directing an  
 16 investigation or asking for an investigation into any  
 17 employee of the hospital?  
 18 A. Yes.  
 19 Q. Who?  
 20 A. Ben Diaczok, D-i-a-c-z-o-k.  
 21 Q. What was that for?  
 22 A. There were allegations of his behavior with residents.  
 23 Q. Such as what?  
 24 A. Being insensitive and rude.  
 25 Q. What happened to him?

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1 MR. GUNSBURG: Still have a bunch of parts in it.  
 2 BY MS. GORDON:  
 3 Q. Go ahead.  
 4 MR. GUNSBURG: You can answer.  
 5 A. On a regular basis, we have times where we have to tell  
 6 people that their interactions are improvable,  
 7 remediable, and we take them aside and we say, "Here's  
 8 what you did, and here's how it would have been handled  
 9 better."  
 10 As far as others that had to escalate beyond that,  
 11 no. Most of it was education one-on-one informally.  
 12 BY MS. GORDON:  
 13 Q. And that worked?  
 14 A. Yes.  
 15 Q. The hospital has a policy on performance improvement; is  
 16 that correct?  
 17 A. I believe so.  
 18 Q. Okay. What do you understand that to be?  
 19 A. We have multiple on process improvement.  
 20 In which area are you speaking?  
 21 MR. GUNSBURG: I'm sorry. Can you read the  
 22 question back, please?  
 23 MS. GORDON: I said, "You have a policy on  
 24 performance improvement, don't you?"  
 25 MR. GUNSBURG: Thank you.

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<p>1 meetings with her on a daily basis.</p> <p>2 If that's not the question, I would be happy to</p> <p>3 answer the question, if you would rephrase it.</p> <p>4 Q. Okay. I asked you earlier how often you saw her, and I</p> <p>5 said, "Was it every day?"</p> <p>6 And you said, "No. It was once a week."</p> <p>7 MR. GUNSBURG: Actually, he said once a week,</p> <p>8 actually more - "I saw her weekly, more or less," is</p> <p>9 what he said.</p> <p>10 MS. GORDON: Okay.</p> <p>11 MR. GUNSBURG: So, object to the form.</p> <p>12 BY MS. GORDON:</p> <p>13 Q. I took it to be once a week.</p> <p>14 Are you retracting that statement?</p> <p>15 A. No. I think I'm staying with what I said before.</p> <p>16 Q. Once a week?</p> <p>17 A. No. I said, more or less, I would see her at least once</p> <p>18 a week.</p> <p>19 Q. Okay. So, now you've added "at least."</p> <p>20 So, what's the most you would see her in any given</p> <p>21 week?</p> <p>22 A. And some weeks I might see her five days.</p> <p>23 Q. Okay. You gave her assignments?</p> <p>24 A. Yes.</p> <p>25 Q. You set her goals?</p>	<p>1 skills; is that correct?</p> <p>2 A. I did.</p> <p>3 Q. That's from were - you formed those opinions based on</p> <p>4 seeing her in action, I assume, at these times you were</p> <p>5 with her during the week?</p> <p>6 A. Yes.</p> <p>7 Q. You thought she demonstrated integrity?</p> <p>8 A. Yes.</p> <p>9 Q. You thought she was a good mentor of program directors;</p> <p>10 is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And you thought she was continuing to emerge as an</p> <p>13 effective leader and was respected for her abilities and</p> <p>14 knowledge; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. Did you know whether or not she was being recruited by</p> <p>17 other organizations during the time she worked at</p> <p>18 St. Joe's?</p> <p>19 A. I recall at least one other opportunity that she had</p> <p>20 that she told me about.</p> <p>21 Q. Okay. And what was that?</p> <p>22 A. As I recall, it was as an associate dean. I don't</p> <p>23 know - I don't recall where.</p> <p>24 Q. And she turned that down?</p> <p>25 A. Yes.</p>
<p>1 A. Yes.</p> <p>2 Q. Okay. You got along with her?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. She was professional around you?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. You assigned her budget - things to do with</p> <p>7 regard to the budget; correct?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Writing applications; correct?</p> <p>10 A. For?</p> <p>11 Q. Various - whatever. Fill in the blank.</p> <p>12 A. Yes. Part of her job would be to do an application or</p> <p>13 things related to program accreditation.</p> <p>14 Q. And she always got those done on time; correct?</p> <p>15 A. Yes.</p> <p>16 Q. You authorized two salary increases for her; is that</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. You thought she was the best Director of Medical</p> <p>20 Education you had ever worked with; is that correct?</p> <p>21 A. That is.</p> <p>22 Q. And you also thought she was an effective contributor to</p> <p>23 work teams; is that correct?</p> <p>24 A. I did.</p> <p>25 Q. And you thought she had effective problem-solving</p>	<p>1 Q. Did you discuss that with her?</p> <p>2 A. I did.</p> <p>3 Q. Tell me what that discussion involved.</p> <p>4 A. My recollection was that she said that she had an</p> <p>5 opportunity, and one of the things that was attractive</p> <p>6 about the opportunity for her was that it was paying</p> <p>7 more than what we were. And that was, as I recall, one</p> <p>8 of the reasons that she also received a salary increase.</p> <p>9 Q. You wanted her to stay; is that correct?</p> <p>10 A. I did.</p> <p>11 Q. So, as far as you were aware, Susan Zonia appeared to be</p> <p>12 doing her job quite well?</p> <p>13 A. Yes.</p> <p>14 (Deposition Exhibit 1 marked</p> <p>15 for identification.)</p> <p>16 BY MS. GORDON:</p> <p>17 Q. I'll hand you Exhibit 1.</p> <p>18 Is that your review of Ms. Zonia at the end of '09?</p> <p>19 A. It is.</p> <p>20 Q. That's your signature?</p> <p>21 A. It is.</p> <p>22 Q. Who had input into this other than you; if anybody?</p> <p>23 MR. GUNSBURG: Into the evaluation, you're</p> <p>24 referring?</p> <p>25 MS. GORDON: Right.</p>



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<p>1 included it in your evaluation or something.</p> <p>2 A. I do not recall that any resident came to me to complain</p> <p>3 about Dr. Zonia and her treatment of them, with the</p> <p>4 exception of a resident by the name of Greg Yanish, who</p> <p>5 complained while we were doing an investigation of some</p> <p>6 of his behavior, and he was reacting to comments that</p> <p>7 Susan made during an interview that we had with him.</p> <p>8 Q. Okay. And what did you do about that?</p> <p>9 A. After the meeting with Dr. Yanish, I told Susan that the</p> <p>10 way she had approached it was not optimal and that she</p> <p>11 had to be aware of how she was portrayed to other</p> <p>12 people.</p> <p>13 Q. And what did she say?</p> <p>14 A. She said, "Thank you. I will keep that in mind."</p> <p>15 Q. And when was that?</p> <p>16 A. That would have been probably in the first year that</p> <p>17 Susan was with us, and I don't recall exactly the time.</p> <p>18 Q. Okay. And you never had any other negative statements</p> <p>19 by residents.</p> <p>20 Am I correct on that?</p> <p>21 About Dr. Zonia?</p> <p>22 A. Not that I recall.</p> <p>23 Q. Okay. Did you ever have any negative statements from</p> <p>24 doctors about her?</p> <p>25 A. Yes.</p>	<p>81</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And he was unhappy about the situation; correct?</p> <p>3 A. He was unhappy that he felt he was getting a runaround</p> <p>4 between Graduate Medical Education and Volunteer</p> <p>5 Services.</p> <p>6 Q. He wanted to have somebody shadowing?</p> <p>7 A. He wanted to have somebody shadow at the hospital.</p> <p>8 Q. Did he ask you your permission for that?</p> <p>9 A. He asked me what the policy was.</p> <p>10 Q. What did you say?</p> <p>11 A. That's why we sent him to Human Resources.</p> <p>12 Q. You didn't know what the policy was?</p> <p>13 A. Off the top of my head, I did not.</p> <p>14 Q. Do you know who he wanted to have shadow him?</p> <p>15 A. I do not.</p> <p>16 Q. Do you know sitting here today who it was?</p> <p>17 A. I do not.</p> <p>18 Q. And when did these other doctors whose names you've</p> <p>19 mentioned complain to you about Susan Zonia?</p> <p>20 A. I don't recall the exact date and time.</p> <p>21 Q. Okay. You never included that in any review you ever</p> <p>22 gave her, did you?</p> <p>23 A. No.</p> <p>24 Q. In fact, in every review, you gave her very high marks</p> <p>25 on management of others, didn't you?</p>
<p>82</p> <p>1 Q. And who would that be?</p> <p>2 A. I had some negative statements made about her by</p> <p>3 Dr. Cotant.</p> <p>4 MR. GUNSBERG: I'm sorry. Who is that?</p> <p>5 A. John Cotant.</p> <p>6 MR. GUNSBERG: Thank you.</p> <p>7 BY MS. GORDON:</p> <p>8 Q. And who else?</p> <p>9 A. From time-to-time, by Dr. Diaczok.</p> <p>10 Q. And who else?</p> <p>11 A. Drs. Denker and Rahl, and the Eastpointe Radiology</p> <p>12 Group. The group of -</p> <p>13 Q. Dr. Jewell's group?</p> <p>14 A. No. These are the radiologists that do the work in our</p> <p>15 hospital and supervise the Radiology Residency Program.</p> <p>16 Q. Okay. Who else?</p> <p>17 Anybody else?</p> <p>18 A. No one else who comes to mind off the top of my head.</p> <p>19 Q. Dr. Jewell?</p> <p>20 A. I don't recall that Dr. Jewell ever came to me to</p> <p>21 complain about Susan.</p> <p>22 Q. Well, he came to you to complain to you about an issue</p> <p>23 Susan was involved with; correct?</p> <p>24 A. He came to me to ask about some issues with shadowing.</p> <p>25 Q. Right.</p>	<p>83</p> <p>1 A. I had.</p> <p>2 Q. And you also gave her very high marks on leadership,</p> <p>3 didn't you?</p> <p>4 A. I had.</p> <p>5 Q. And you always felt she was respected for her abilities</p> <p>6 and knowledge in the area of medical education, didn't</p> <p>7 you?</p> <p>8 A. I had.</p> <p>9 Q. And you knew she was going to always have a problem with</p> <p>10 people being resistant to change; isn't that correct?</p> <p>11 MR. GUNSBERG: Object to the form.</p> <p>12 A. Please repeat your question.</p> <p>13 BY MS. GORDON:</p> <p>14 Q. Yeah.</p> <p>15 You knew that part of her job was going to involve</p> <p>16 her trying to figure out how to work with people who</p> <p>17 were resistant to change?</p> <p>18 A. Yes.</p> <p>19 Q. Because when you brought her on board, the two of you</p> <p>20 had ideas and goals for improving things; correct?</p> <p>21 A. Correct.</p> <p>22 Q. And that would involve change; correct?</p> <p>23 A. Correct.</p> <p>24 Q. Which, as we all know, to - some people don't do as</p> <p>25 well with that than others; correct?</p>



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Donald D. Bignotti, M.D.

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<p>1 A. That is correct. 2 (Deposition Exhibit 2 marked 3 for identification.) 4 BY MS. GORDON: 5 Q. So, here's Exhibit 2. 6 What is this? 7 A. This is a "Disciplinary Action." 8 Q. Who signed it? 9 A. I did. 10 Q. Uh-huh. 11 And it says, "Susan Zonia?" 12 A. Yes. 13 Q. Okay. And whose handwriting is on it? 14 A. The handwriting -- the printing above the -- 15 Q. Well, everything on it other than the signatures. 16 A. Other than the signatures, I do not know who exactly 17 wrote this. 18 Q. Not you? 19 A. It was not me. 20 Q. Okay. Read to me what that says about the reason for 21 termination so we'll have that in the record, in that 22 it's handwriting. 23 A. "The hospital investigated the allegations 24 of inappropriate conduct, behavior and 25 harassment based on its internal standards</p>	<p>1 and I indicated to us a very deliberately set pattern of 2 treatment of the individuals, particularly in Graduate 3 Medical Education, in a manner that was not consistent 4 with the standards that we would expect of a leader and 5 created a hostile work environment. 6 We believe that while she could maintain a very 7 charming, professional, outward appearance -- 8 Q. Excuse me for interrupting. You're not answering my 9 question, sir, at all. 10 A. I'm attempting to answer the question. 11 Q. Do you know what my question was? 12 Repeat what my question was. 13 A. I took your question to be so what was the reason for 14 the termination. 15 Q. Really? That's what you thought my question was? 16 MS. GORDON: Would you read back the question, 17 John? 18 BY MS. GORDON: 19 Q. Just listen very carefully, Doctor. 20 THE REPORTER: (Reading.) 21 "Question: May I have that back? 22 "During what time frame did Susan Zonia 23 violate hospital policies and standards of 24 conduct?" 25 BY MS. GORDON:</p>
<p>1 for leadership, associate standards of conduct, 2 and determined that your actions are in 3 violation of hospital policies and standards 4 of conduct. Based on the substantiated 5 allegations, you failed to display professional 6 leadership and judgment, and effective, October 1, 7 2010, we are exercising our right -- your 8 right --" 9 no -- 10 "-- our right as an at-will employee(sic) to 11 discharge you from SJM- --" 12 I'm assuming there's an "O" that didn't come through. 13 BY MS. GORDON: 14 Q. Okay. May I have that back? 15 MR. GUNSBURG: It actually is, "at-will employer." 16 A. Is that "employer"? 17 Okay. 18 "-- at will employer --" 19 BY MS. GORDON: 20 Q. May I have that back? 21 A. (Producing document.) 22 Q. During what time frame did Susan Zonia violate hospital 23 policies and standards of conduct? 24 A. During the investigation that HR did and their 25 interviews with the staff, what they presented to Martha</p>	<p>1 Q. You got it? 2 A. Yes, ma'am. 3 Q. Okay. Good. 4 Give me the month, the day, the year. 5 A. Up to the weeks before this incident with 6 Dr. Payne-Jackson, there was a pattern of behaviors that 7 was unknown to us. 8 Q. Who is "us"? 9 A. The medical staff -- the leadership of the hospital. 10 And the actual date of its beginning, I could not 11 tell you. 12 Q. Well, what dates did she violate the policy? 13 A. I cannot give you exact dates except to tell you that 14 the investigation determined that we had a hostile work 15 environment and it was the result of Susan's behavior. 16 Q. Look, you fired somebody. I'm just -- and it's a really 17 straightforward question. I just want to know the 18 dates, if you know them, that my client violated some 19 policy. 20 If you don't know a date, tell me. 21 A. I don't know the exact dates of the pattern. 22 Q. Do you know any date, sir? Any date? 23 A. I cannot give you -- 24 Q. Can you give me a date? 25 A. I cannot give you a date.</p>

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<p>89</p> <p>1 Q. Thank you.</p> <p>2 Can you -- you say here she was in violation of</p> <p>3 hospital policies and standards of conduct.</p> <p>4 Why don't you list a policy number? Why not?</p> <p>5 A. Because my understanding is, we don't have to.</p> <p>6 Q. Okay. Well, you don't have to fire her either.</p> <p>7 MR. GUNSBURG: Objection to the form.</p> <p>8 Argumentative.</p> <p>9 BY MS. GORDON:</p> <p>10 Q. So, why -- if you think she violated a policy, why would</p> <p>11 you not set forth what the policy was?</p> <p>12 MR. GUNSBURG: Asked and answered.</p> <p>13 A. Because we are not required to.</p> <p>14 BY MS. GORDON:</p> <p>15 Q. Okay. Well, what policy did she violate? Do you know</p> <p>16 sitting here today?</p> <p>17 A. I cannot quote you the number of the policy.</p> <p>18 Q. Well, what's the name of the policy?</p> <p>19 A. I cannot quote you the name of the policy.</p> <p>20 Q. What's the content of the policy?</p> <p>21 A. The content of the policy is to establish an environment</p> <p>22 of professionalism and to treat people in a manner that</p> <p>23 is professional at all times.</p> <p>24 Q. Okay. And you think that's a written policy in the</p> <p>25 hospital?</p>	<p>91</p> <p>1 Q. -- until three days before she was fired?</p> <p>2 Nobody ever went to HR about Susan Zonia, did they?</p> <p>3 A. Not to my knowledge.</p> <p>4 Q. Okay. But people do go to HR all the time. In fact,</p> <p>5 your HR is set up to deal with employee complaints and</p> <p>6 concerns, isn't it?</p> <p>7 A. Yes, it is.</p> <p>8 Q. And there's a policy at HR where, if an employee does</p> <p>9 have a complaint, HR will take it seriously and</p> <p>10 investigate it, won't they?</p> <p>11 A. Yes.</p> <p>12 Q. And they will tell the employee they're not going to be</p> <p>13 retaliated against, don't they?</p> <p>14 A. Yes.</p> <p>15 Q. And did you yourself interview anybody with regard to</p> <p>16 the so-called investigation of Susan Zonia?</p> <p>17 MR. GUNSBURG: Object to the form.</p> <p>18 A. I believe I was present for at least one of the</p> <p>19 interviews with the staff.</p> <p>20 BY MS. GORDON:</p> <p>21 Q. Okay. And whose in the views were you present for?</p> <p>22 A. To my recollection, I was present with Deneen Nicks, I</p> <p>23 think.</p> <p>24 Q. Okay. Why were you there?</p> <p>25 A. At her request.</p>
<p>90</p> <p>1 A. You asked me, I believe, to summarize the policy and</p> <p>2 what I understood of it.</p> <p>3 Q. No. I said, "What's the content of the policy?"</p> <p>4 I didn't ask you -- I never used the word</p> <p>5 "summarize."</p> <p>6 A. Okay. That is what I believe is the content of the</p> <p>7 policy.</p> <p>8 Q. Okay. You think there's a policy that says:</p> <p>9 "Treat people with respect at all</p> <p>10 times?"</p> <p>11 A. I believe so.</p> <p>12 Q. Okay. And you think -- and you know, sir, that that</p> <p>13 policy is not upheld every day by every employee, is it?</p> <p>14 MR. GUNSBURG: Object to the form.</p> <p>15 BY MS. GORDON:</p> <p>16 Q. It's violated -- if there is such a policy, and the</p> <p>17 policy speaks for itself, that policy is violated all</p> <p>18 the time, isn't it?</p> <p>19 A. I'm not sure I would say "violated all the time."</p> <p>20 Is the policy violated?</p> <p>21 At times, I'm sure. That's why Human Resources is</p> <p>22 busy.</p> <p>23 Q. Well, they weren't busy with Susan Zonia, were they --</p> <p>24 MR. GUNSBURG: Object to the form.</p> <p>25 BY MS. GORDON:</p>	<p>92</p> <p>1 Q. Why did she request you?</p> <p>2 MR. GUNSBURG: Object to the form. Foundation.</p> <p>3 A. I had offered all the staff that if they wanted me</p> <p>4 present during the time of the HR interviews, that I</p> <p>5 would make the time.</p> <p>6 Deneen requested it.</p> <p>7 BY MS. GORDON:</p> <p>8 Q. Okay. And who else was there?</p> <p>9 A. One of the HR staff.</p> <p>10 Q. Who?</p> <p>11 A. I don't recall who was actually present for that</p> <p>12 interview.</p> <p>13 Q. Where was the meeting?</p> <p>14 A. I don't recall exactly where the meeting was.</p> <p>15 Q. Who took notes of these sessions?</p> <p>16 A. The HR representative.</p> <p>17 Q. Were they recorded?</p> <p>18 A. As in taped?</p> <p>19 Q. Yes.</p> <p>20 A. I don't recall that they were.</p> <p>21 Q. Did you discuss Ane McNeil, you said, was -- is it Ane?</p> <p>22 A. Ane.</p> <p>23 Q. Ane McNeil was involved with this investigation, you've</p> <p>24 already said?</p> <p>25 A. That was my recollection, yes.</p>

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<p>101</p> <p>1 Q. What was Dr. Dlaczk's title at that time?</p> <p>2 A. The was the Program Director for the Internal Medicine</p> <p>3 Residency.</p> <p>4 Q. Okay. Did you get complaints or hear that he was a</p> <p>5 bully? Or could be?</p> <p>6 A. Could be, yes.</p> <p>7 Q. Okay. And some of the residents felt he was a bully to</p> <p>8 them?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And some of the complaints were about his</p> <p>11 drinking?</p> <p>12 A. I never heard a complaint about Dr. Dlaczk drinking.</p> <p>13 Q. Okay. In any event, you were concerned about the things</p> <p>14 the residents were saying directly to you about</p> <p>15 Dr. Dlaczk; right?</p> <p>16 A. Correct.</p> <p>17 Q. And this went on for over a period of time; right? It</p> <p>18 wasn't just one or two things, but you had been hearing</p> <p>19 things for a while and you eventually decided to look</p> <p>20 further.</p> <p>21 Do I have that right?</p> <p>22 A. I don't know that I would characterize that -- I</p> <p>23 wouldn't characterize it as constant stream of</p> <p>24 complaints. There would be an occasional issue that</p> <p>25 would come up, and we would follow it up.</p>	<p>103</p> <p>1 Q. And how did that go?</p> <p>2 A. We noted improvement in his behavior.</p> <p>3 Q. Okay. Did you ever have to meet with him again or have</p> <p>4 more discipline?</p> <p>5 MR. GUNSBURG: Object to the form of the question --</p> <p>6 BY MS. GORDON:</p> <p>7 Q. Go ahead.</p> <p>8 MR. GUNSBURG: -- as to the aspect of "more</p> <p>9 discipline."</p> <p>10 BY MS. GORDON:</p> <p>11 Q. Well, strike that.</p> <p>12 Any discipline?</p> <p>13 A. There was no disciplinary action.</p> <p>14 Q. Okay. Were there any subsequent meetings or anything</p> <p>15 like that --</p> <p>16 A. We --</p> <p>17 Q. -- with him?</p> <p>18 A. I'm sorry.</p> <p>19 Q. Go ahead.</p> <p>20 Were there any subsequent meetings with him?</p> <p>21 A. Yes.</p> <p>22 Q. And what were those about?</p> <p>23 A. About the running of the residency program and to</p> <p>24 provide him ongoing feedback on performance.</p> <p>25 Q. And that was you and Dr. Zonia?</p>
<p>102</p> <p>1 Q. Okay. So, did you ever look into his behavior?</p> <p>2 A. I asked Dr. Zonia in the past to look into his behavior.</p> <p>3 Q. Did she do so?</p> <p>4 A. Yes, she did.</p> <p>5 Q. Did she report back to you?</p> <p>6 A. Yes, she did.</p> <p>7 Q. What did she advise you?</p> <p>8 A. We sat down and had a counseling session with</p> <p>9 Dr. Dlaczk.</p> <p>10 Q. The three of you?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And what did you raise with him at that time?</p> <p>13 A. The need to be professional in the work environment at</p> <p>14 all times; to realize that as a leader, he cast a shadow</p> <p>15 and needed to essentially treat the workplace as an</p> <p>16 on-stage area at all times. He needed to look, be, feel</p> <p>17 the part of a Program Director for Internal Medicine</p> <p>18 Residency Program.</p> <p>19 Q. What was his reaction?</p> <p>20 A. Well, his reaction was, I would say, one of being</p> <p>21 disappointed in himself, but he committed to work with</p> <p>22 us to try and improve his image with other people and</p> <p>23 collaborate.</p> <p>24 Q. And did Dr. Zonia work with him, then?</p> <p>25 A. Yes.</p>	<p>104</p> <p>1 A. Yes.</p> <p>2 Q. And the two of you would get together and let him know</p> <p>3 what your observations were and the feedback you were</p> <p>4 getting?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And how did that work? Was that a positive?</p> <p>7 A. I would say, yes.</p> <p>8 Q. And for how long did you continue to meet with him?</p> <p>9 A. I continued to meet with Dr. Dlaczk through last week.</p> <p>10 Q. Is he having additional problems?</p> <p>11 A. No. The issues are to continue to mentor somebody in</p> <p>12 their progress to being a more effective leader of a</p> <p>13 program to provide the support that we are required</p> <p>14 under the ACGME rules to provide for a residency</p> <p>15 teaching program.</p> <p>16 So, these ongoing meetings aren't specifically</p> <p>17 about behavior. We meet on a regular basis to discuss</p> <p>18 the same kind of issues that I would discuss with any of</p> <p>19 the people that work in my division that can use</p> <p>20 assistance.</p> <p>21 Q. Okay. But you've continued to keep an eye on him with</p> <p>22 regard to the complaints you received at least to be</p> <p>23 mindful of what's happening and to help mentor him about</p> <p>24 it?</p> <p>25 A. I would say it would be accurate to say that I am</p>



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<p>1 Do you recall that?</p> <p>2 A. That, I recall.</p> <p>3 Q. What do you recall about the string of e-mails?</p> <p>4 A. With Pat Davis?</p> <p>5 Q. Yeah.</p> <p>6 A. My recollection was that Pat had a string of e-mails</p> <p>7 going back and forth with Donna Hamilton.</p> <p>8 Q. Who's that?</p> <p>9 A. Who was the previous person in the position before Susie</p> <p>10 Swanson as the manager of the area, and that she and</p> <p>11 Donna had a continuing string of e-mails in which Pat</p> <p>12 was very critical of Susan.</p> <p>13 Q. Okay. Did you ever see the e-mails?</p> <p>14 A. I did not.</p> <p>15 Q. Did you hear about them, though?</p> <p>16 I guess you did.</p> <p>17 A. I did.</p> <p>18 Q. Okay. So, why wasn't she fired for that? Being</p> <p>19 critical in an e-mail and sending this e-mail back and</p> <p>20 forth?</p> <p>21 A. Her disciplinary action was handled consistent with the</p> <p>22 policy of the organization.</p> <p>23 Q. And what's that?</p> <p>24 That if you bad mouth people, what happens to you?</p> <p>25 A. No. It's handled with the stepped disciplinary --</p>	<p>1 Do you recall that?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Susie had been there for about seven months. So,</p> <p>4 that would take us back to the beginning of the year.</p> <p>5 Is that when Hamilton left? In late '08 or early</p> <p>6 '10?</p> <p>7 A. That sounds like it could be about right.</p> <p>8 Q. Okay. So, what did she tell you?</p> <p>9 A. She told me that Susan was difficult to deal with; that</p> <p>10 she continued to swear; continued to be disrespectful of</p> <p>11 other individuals. Including the physicians; that she</p> <p>12 would periodically flip people the finger behind their</p> <p>13 back after meetings; and that she occasionally smelled</p> <p>14 of alcohol.</p> <p>15 Q. Okay. So, what did you do about this? Did you look</p> <p>16 into it? About any of those things you just said?</p> <p>17 A. I made a point of going upstairs from time to time just</p> <p>18 to make sure that I had a presence and could observe if</p> <p>19 this was true.</p> <p>20 I did take that as some of the, let's call it,</p> <p>21 turbulence around trying to make change. So --</p> <p>22 Q. Okay.</p> <p>23 A. -- I supported Susan in not jumping to the conclusion</p> <p>24 that these were either valid and took it upon myself to</p> <p>25 spend more time walking through the unit where their</p>
<p>1 Q. Progressive discipline?</p> <p>2 A. Progressive discipline.</p> <p>3 Q. Okay. And that's the appropriate way to handle it when</p> <p>4 somebody puts ugly things in writing about somebody that</p> <p>5 they work with?</p> <p>6 MR. GUNSBURG: Object to the form.</p> <p>7 A. That was the recommendation from Susan and HR.</p> <p>8 BY MS. GORDON:</p> <p>9 Q. Okay. And with regard to Gail, what was her discipline?</p> <p>10 A. I don't recall what her discipline was off the top of my</p> <p>11 head.</p> <p>12 Q. Did you ever hear allegations Susan Zonia had an odor of</p> <p>13 alcohol on her?</p> <p>14 A. Yes.</p> <p>15 Q. When did you first hear that?</p> <p>16 A. Donna Hamilton told me that when she had her exit time</p> <p>17 with me.</p> <p>18 Q. I don't know what "her exit time" means.</p> <p>19 A. When she left the organization on her last day.</p> <p>20 Q. When was that?</p> <p>21 A. I don't recall.</p> <p>22 Q. Give me a year.</p> <p>23 A. I don't recall when she was --</p> <p>24 Q. Well, let's wind back; okay?</p> <p>25 Dr. Zonia was terminated in 2010.</p>	<p>1 offices were to see if I noticed any of the behavior</p> <p>2 that could support the comments of a person leaving the</p> <p>3 organization for a better opportunity, who might be</p> <p>4 bad-mouthing somebody who is trying to make the change.</p> <p>5 Q. Okay. And when you walked through there, you didn't see</p> <p>6 any evidence of any issues, did you?</p> <p>7 A. I did not.</p> <p>8 MS. GORDON: Okay. I apologize. I meant to tell</p> <p>9 my secretary something. Just one minute.</p> <p>10 (Short recess at 3:52 p.m.)</p> <p>11 * * *</p> <p>12 (Record resumed at 3:55 p.m.)</p> <p>13</p> <p>14 BY MS. GORDON:</p> <p>15 Q. And you never smelled any alcohol?</p> <p>16 A. I personally did not.</p> <p>17 Q. Okay.</p> <p>18 A. On Susan, I'm assuming you mean.</p> <p>19 Q. Yeah.</p> <p>20 Nor did you ever get the impression she had been</p> <p>21 drinking?</p> <p>22 A. I did not.</p> <p>23 Q. Were you aware that Dr. Denier from Radiology brought a</p> <p>24 switchblade into the hospital?</p> <p>25 A. I recall there was an issue with Dr. Denier and a knife.</p>



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<p>1 I do not recall that it was a switchblade.</p> <p>2 Q. What was it?</p> <p>3 A. To the best of my recollection, it was a pen knife.</p> <p>4 Q. Did you see it?</p> <p>5 A. I did not.</p> <p>6 Q. Well, who would care if he had a pen knife?</p> <p>7 Don't people carry pen knives around the hospital,</p> <p>8 or not? You're not supposed to?</p> <p>9 A. When the issue was brought to me, I went to Dr. Denier</p> <p>10 and basically said, "Please don't do this."</p> <p>11 Q. All right. Who brought it to you?</p> <p>12 A. I think it was Susan.</p> <p>13 Q. Okay. And what did she say?</p> <p>14 A. That the residents had reported that he had a knife and</p> <p>15 was -- and I can't remember the specifics. Something</p> <p>16 about the resident going someplace that was potentially</p> <p>17 dangerous and basically showed her the knife.</p> <p>18 Q. Okay. Why did he bring it in?</p> <p>19 A. I did not ask why.</p> <p>20 Q. Why not?</p> <p>21 A. I simply told him it was not acceptable and I never</p> <p>22 wanted to hear about it happening again.</p> <p>23 Q. What did he say?</p> <p>24 A. He apologized and agreed that it would never happen</p> <p>25 again.</p>	<p>117</p> <p>1 A. Yes.</p> <p>2 Q. What have you heard in that regard?</p> <p>3 A. I've heard that Dr. Patel occasionally is less than</p> <p>4 cordial and at times inappropriate in his behavior.</p> <p>5 Q. And by "inappropriate," do you mean from a sexual point</p> <p>6 of view --</p> <p>7 A. No.</p> <p>8 Q. -- with regard to women?</p> <p>9 A. No.</p> <p>10 Q. Some of his -- the language he uses, I mean?</p> <p>11 A. No.</p> <p>12 Inappropriate from the standpoint of decibel level,</p> <p>13 and, at times, has been accused of being condescending</p> <p>14 in nature.</p> <p>15 Q. Okay. Was there an investigation on him?</p> <p>16 A. It was handled through the medical staff policy, which</p> <p>17 for that level, would rise to conversations with that</p> <p>18 individual and the chief of staff or the department</p> <p>19 chair.</p> <p>20 Q. Okay. So, what ended up happening with him and his bad</p> <p>21 behavior?</p> <p>22 A. We had a meeting to discuss the issue.</p> <p>23 Q. You were there?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Go ahead.</p>
<p>118</p> <p>1 Q. He was the Radiology Program Director; correct?</p> <p>2 A. At that time, yes.</p> <p>3 Q. And this was kind of a big incident amongst the</p> <p>4 residents; is that correct? There was a lot of talk</p> <p>5 about it?</p> <p>6 MR. GUNSBURG: Object to the form of the question.</p> <p>7 BY MS. GORDON:</p> <p>8 Q. Is that correct?</p> <p>9 A. Amongst the residents?</p> <p>10 I don't know. They did not discuss it with me.</p> <p>11 Q. Okay. Well, amongst who, then? Who did you hear about</p> <p>12 it from?</p> <p>13 A. From Dr. Zonla.</p> <p>14 Q. Anybody else?</p> <p>15 A. That I heard from?</p> <p>16 Q. Yeah.</p> <p>17 A. Not that I recall.</p> <p>18 Q. And you also heard, I think we've touch on this, that</p> <p>19 you heard that he was a bully?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Dr. Patel, have you heard some complaints from</p> <p>22 some of the nurses or other staffers that he is a bully?</p> <p>23 A. We have multiple Dr. Patels. Which Dr. Patel are you</p> <p>24 referring to?</p> <p>25 Q. Kirit.</p>	<p>119</p> <p>120</p> <p>1 A. And he was advised of what the policy was and instructed</p> <p>2 to be in compliance with the policy.</p> <p>3 Q. What was the policy that you advised him of?</p> <p>4 A. The policy is the medical staff policy on conduct.</p> <p>5 Q. Okay. And what does that say, in general?</p> <p>6 A. In general, that professional behavior is expected at</p> <p>7 all times and in all circumstances.</p> <p>8 Q. Did you give him a chance to explain what had happened</p> <p>9 with his behavior?</p> <p>10 A. I don't recall that he attempted to explain his</p> <p>11 behavior.</p> <p>12 Q. Okay.</p> <p>13 A. The meeting was to establish an expectation.</p> <p>14 Q. Was there a nurse named Colleen that was working under</p> <p>15 him that had particular problems with him?</p> <p>16 A. I don't recall.</p> <p>17 Q. Did you ever hear comments about Dr. Steven Rapp being a</p> <p>18 bully in the OR?</p> <p>19 A. Yes.</p> <p>20 Q. And you heard that on several occasions.</p> <p>21 Am I correct on that?</p> <p>22 A. Yes.</p> <p>23 Q. And that he could be very verbally abusive to people?</p> <p>24 A. That's what people have alleged.</p> <p>25 Q. Okay. And that he had threatened to have nurses fired?</p>

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<p>125</p> <p>1 A. I have read all of the notes that HR has provided me 2 with. 3 I am assuming that they have given me everything. 4 Q. All right. When did you read the notes? 5 A. At the time of the investigation. 6 Q. Prior to the termination or after the termination? 7 A. Prior to the termination. 8 Q. How long did it take you to read them all? 9 A. I do not recall. 10 Q. Okay. Hang on one second. 11 (Deposition Exhibit 3 marked 12 for identification.) 13 BY MS. GORDON: 14 Q. All right. Let me hand you Exhibit 3. 15 What's that? 16 You don't know what that is? 17 A. It looks like they are notes. They are not signed. 18 Q. Do you know whose handwriting that is? 19 A. Well, it looks familiar. I'm not sure I can say exactly 20 to whom it belongs. 21 Q. Well, what are the possibilities? 22 You know, I mean you were at this meeting. 23 apparently; right? 24 A. Yes. 25 Q. So, who was there with you?</p>	<p>127</p> <p>1 Q. What are these notes, as far as you understand it from 2 having just sat here and reviewed them? 3 A. These appear to be the notes that were taken of the 4 conversation at this meeting at 3:00 p.m. on 9-30-10. 5 Q. Okay. So, you tell me from these notes. This — was 6 there more than one conversation with Pat, by the way? 7 A. I couldn't tell you if there's more than one 8 conversation with Pat. 9 Q. Okay. Was anything said at this meeting that you 10 believe is a basis for a reason to terminate Dr. Zonia? 11 A. Can you read the question back again, please? 12 MS. GORDON: John, you want to read it back? 13 THE REPORTER: (Reading.) 14 "Question: Okay. Was anything said at 15 this meeting that you believe is a basis for 16 a reason to terminate Dr. Zonia?" 17 A. I would say that I cannot point to one specific thing in 18 this conversation alone that I would say was the basis 19 by itself for the decision to terminate Dr. Zonia. 20 BY MS. GORDON: 21 Q. Okay. I don't think that was my question. 22 I didn't — 23 MR. GUNSBURG: Then try it again. 24 BY MS. GORDON: 25 Q. Is there anything in here that you relied upon in your</p>
<p>126</p> <p>1 A. The date of the meeting, I would say that most likely it 2 would have been with Ane, myself and possibly Martha. 3 Q. Well, okay. Were there — what does it say on the top, 4 sir? 5 A. It says: 6 "Pat Davis, Ane and Don." 7 Q. Okay. So, you think the three of you were there? Does 8 that refresh your recollection on that? 9 A. No. 10 Q. You just don't recall? 11 A. I do not recall. 12 Q. And you don't know whose handwriting this is? 13 A. I do not. 14 Q. But do you remember being at the meeting? 15 A. I do not remember specifically being at the meeting. 16 Q. Okay. And the date of this meeting is 9-30-2010? Does 17 that sound right? 18 A. That's what the date is given at the top. 19 Q. And have you seen these notes before? 20 Have you seen these before? 21 A. Oh, these notes before? 22 Q. Yes. Yes. Yes. 23 A. I believe — I believe I have. 24 Q. When? 25 A. Probably at the time of the investigation.</p>	<p>128</p> <p>1 decision to terminate Dr. Zonia? 2 MR. GUNSBURG: It's a different question. 3 (Discussion held off the record.) 4 BY MS. GORDON: 5 Q. Go ahead. 6 A. Please ask your question once more. I've read it again. 7 Q. Is there anything in here that you relied upon in your 8 decision to terminate Susan Zonia? 9 A. I would say that I relied on everything in here as part 10 of the decision to terminate Susan Zonia. 11 Q. Okay. Well, specifically what? 12 I don't know what you mean by "everything." 13 A. All the things that are written here were used as part 14 of the decision to evaluate — 15 Q. Okay. 16 A. — Susan Zonia. 17 Q. What here is a violation of a policy? 18 A. One thing would be Susan's leaving early. 19 Q. Okay. What policy is that a violation of? 20 A. I couldn't quote you the exact policy. 21 Q. What date did she leave early? 22 A. I couldn't quote you the exact date that she left early. 23 Q. Well, how early did she leave? What time? 24 A. That is not something I can tell you from this note. 25 Q. Well, is there anything else that you can use to tell me</p>



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<p>133</p> <p>1 Q. She's being disciplined by Susan Zonia; right?</p> <p>2 A. Yes.</p> <p>3 Q. We already know she doesn't like Susan Zonia; right?</p> <p>4 That's already been made very clear; correct?</p> <p>5 A. Correct.</p> <p>6 Q. Because we know about a nasty string of e-mails that she</p> <p>7 sent, right?</p> <p>8 A. Correct.</p> <p>9 Q. And you're in a meeting with Pat, and Pat says, "She</p> <p>10 left early."</p> <p>11 And you, sir, go, "Oh, okay. Check. Let's fire</p> <p>12 her?"</p> <p>13 That's -- this was a --</p> <p>14 MR. GUNSBURG: Object to form of the question.</p> <p>15 MS. GORDON: Strike that.</p> <p>16 MR. GUNSBURG: I also object to the tone, by the</p> <p>17 way.</p> <p>18 MS. GORDON: That's fine.</p> <p>19 MR. GUNSBURG: Yeah. We don't need the nasty,</p> <p>20 sarcastic, nasty tone.</p> <p>21 MS. GORDON: Okay.</p> <p>22 MR. GUNSBURG: Okay? Can we try to it in a less</p> <p>23 sarcastic --</p> <p>24 MS. GORDON: It's really difficult, but I will try.</p> <p>25 MR. GUNSBURG: I'm sure you can control yourself.</p>	<p>135</p> <p>1 and somebody says "She's late," and he just goes,</p> <p>2 "Okay." Maybe that's really true. But that's what I'm</p> <p>3 going to follow-up on.</p> <p>4 BY MS. GORDON:</p> <p>5 Q. So, Doctor, let me ask you this --</p> <p>6 MR. GUNSBURG: I'm just asking you not to do it in</p> <p>7 a nasty, sarcastic way. That's all.</p> <p>8 MS. GORDON: Okay. All right.</p> <p>9 BY MS. GORDON:</p> <p>10 Q. So, are you sitting here today saying you accepted on</p> <p>11 face value Pat Davis's statement that my client was</p> <p>12 late? You accepted that as true, and you accepted that</p> <p>13 as wrongdoing on the part of Dr. Zonia? Is that your</p> <p>14 testimony here today?</p> <p>15 A. No, it is not.</p> <p>16 Q. Okay. You had no idea if Dr. Zonia was appropriately</p> <p>17 leaving early or not leaving early or anything else;</p> <p>18 right? On the date that Pat is talking about?</p> <p>19 A. On the date that Pat is talking about, we are listening</p> <p>20 to Pat and her story only.</p> <p>21 Q. Okay.</p> <p>22 A. And these notes reflect her story only.</p> <p>23 Q. Okay. And you didn't know whether what she was telling</p> <p>24 you was, in fact, true or not true?</p> <p>25 A. Correct.</p>
<p>134</p> <p>1 You're really good at this. You've been doing this a</p> <p>2 long time.</p> <p>3 MS. GORDON: What does that have to do with</p> <p>4 anything?</p> <p>5 MR. GUNSBURG: What it has to do with, I don't</p> <p>6 think it's respectful of the witness and I don't think</p> <p>7 it's appropriate for you to --</p> <p>8 MS. GORDON: Well, I don't think it's respectful --</p> <p>9 THE REPORTER: I'm sorry. One at a time.</p> <p>10 MS. GORDON: -- of my client to sit here and lie</p> <p>11 about her either.</p> <p>12 MR. GUNSBURG: He's not lying about her.</p> <p>13 MS. GORDON: Oh, really?</p> <p>14 MR. GUNSBURG: Yeah. Really.</p> <p>15 MS. GORDON: Okay.</p> <p>16 MR. GUNSBURG: And if you want to ask a question,</p> <p>17 he'll give an answer.</p> <p>18 MS. GORDON: Maybe he's got one.</p> <p>19 MR. GUNSBURG: If you want to have a nasty, nasty,</p> <p>20 sarcastic tone, we'll play the tape back, and I can --</p> <p>21 MS. GORDON: Okay. Well --</p> <p>22 MR. GUNSBURG: It's on the tape. So, I was asking</p> <p>23 you not to do it.</p> <p>24 MS. GORDON: Maybe he's not lying. Maybe he really</p> <p>25 runs his business where you take a disgruntled employee</p>	<p>136</p> <p>1 Q. And you didn't know whether Dr. Zonia had left early</p> <p>2 inappropriately or not on the date Pat referred to;</p> <p>3 true?</p> <p>4 A. True.</p> <p>5 Q. Okay. And you didn't ask Pat what she based her</p> <p>6 statement on; true?</p> <p>7 A. I did not follow-up with that. Human Resources did.</p> <p>8 Q. They follow-up with what?</p> <p>9 A. With the other parts of the investigation that were to</p> <p>10 corroborate or refute any of the individual positions</p> <p>11 presented by any of the staff.</p> <p>12 Q. Okay. So, what did they do to corroborate or refute the</p> <p>13 statement that "S. Zonia - leaving early"?</p> <p>14 What did they do to follow-up on that?</p> <p>15 A. I could not tell you the specifics of exactly what they</p> <p>16 did in HR conducting the investigation.</p> <p>17 Q. Well, give me the general. Since you're decider to fire</p> <p>18 her, what's your -- what's your general understanding of</p> <p>19 what they did?</p> <p>20 MR. GUNSBURG: Object to form of the question.</p> <p>21 BY MS. GORDON:</p> <p>22 Q. Not what they would do, sir, what they actually did; if</p> <p>23 anything.</p> <p>24 A. I can't recall the specifics of what they said they did</p> <p>25 in this particular case.</p>



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